

## Appendix Exhibit 32

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ABBY B. CONLEY,  
Plaintiff

v.

Civil Action No. 05-76E

COUNTY OF ERIE, ERIE COUNTY  
OFFICE OF CHILDREN AND YOUTH,  
a/k/a ERIE COUNTY CHILD  
WELFARE SERVICE, RICHARD  
SCHENKER, individually and  
in his capacity as County  
Executive of Erie County,  
Pennsylvania, PETER CALLAN,  
individually and in his  
capacity as Erie County  
Director of Personnel, DEBRA  
LIEBEL, individually and in  
her capacity as Executive  
Director, Erie County Office  
of Children and Youth, a/k/a  
Erie County Child Welfare  
Service, and JOHN A. ONORATO,  
ESQUIRE, individually and in  
his capacity as Erie County  
Solicitor,  
Defendants

Deposition of [V.W.], taken before and by

Janis L. Ferguson, Notary Public in and for the

Commonwealth of Pennsylvania, on Thursday, April

6, 2006, commencing at 9:49 a.m., at the offices

of Knox McLaughlin Gornall & Sennett, PC, 120 West

10th Street, Erie, Pennsylvania 16501.

Reported by Janis L. Ferguson, RPR  
Ferguson & Holdnack Reporting, Inc.

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| <p style="text-align: right;">Page 2</p> <p>1 For the Plaintiff:<br/>Timothy D. McNair, Esquire<br/>2 821 State Street<br/>Erie, PA 16501</p> <p>3<br/>4 Anthony Angelone, Esquire<br/>Vendetti &amp; Vendetti<br/>3820 Liberty Street<br/>5 Erie, PA 16509</p> <p>6 For the County of Erie, Erie County Office of Children and<br/>Youth, a/k/a Erie County Child Welfare Service:<br/>7 Richard A. Lanzillo, Esquire<br/>Knox McLaughlin Gornall &amp; Sennett, PC<br/>8 120 West 10th Street<br/>Erie, PA 16501</p> <p>9<br/>10 For the Defendants Richard Schenker, Peter Callan, and Debra<br/>Liebel:<br/>Edmund R. Joyal, Jr., Esquire<br/>11 Law Office of Joseph S. Weimer<br/>975 Two Chatham Center<br/>12 Pittsburgh, PA 15219</p> <p>13 For the Defendant John Onorato, Esquire:<br/>Sara E. Baugh, Esquire<br/>14 Dell Moser Lane &amp; Loughney, LLC<br/>525 William Penn Place<br/>15 Suite 3700<br/>Pittsburgh, PA 15219</p> <p>16<br/>17<br/>18<br/>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p> | <p style="text-align: right;">Page 4</p> <p>1 [V.W.], first having been duly<br/>2 sworn, testified as follows:</p> <p>3<br/>4 DIRECT EXAMINATION</p> <p>5 BY MR. JOYAL:</p> <p>6<br/>7 Q. State your name for the record, please.<br/>8 A. [V.W.]<br/>9 Q. Where do you live?<br/>10 A. 1706 West 8th Street.<br/>11 Q. How old are you?<br/>12 A. 24.<br/>13 Q. When were you born?<br/>14 A. 9/14/81.<br/>15 Q. You're here today pursuant to a subpoena; is that<br/>16 correct?<br/>17 A. Yes.<br/>18 Q. That was issued by Mr. Lanzillo?<br/>19 A. (Witness nods head.)<br/>20 Q. Do you know that?<br/>21 A. No, I didn't know that.<br/>22 Q. This (indicating) is Mr. Lanzillo. He represents<br/>23 now the County of Erie. My name is Ed Joyal. I represent<br/>24 Pete Callan, Debi Liebel, Rick Schenker. Who else?<br/>25 MR. JOYAL: That's it, right?</p>  |
| <p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2</p> <p>3 TESTIMONY OF [V.W.]</p> <p>4 Direct examination by Mr. Joyal ..... 4<br/>5 Cross-examination by Mr. Lanzillo ..... 59<br/>6 Cross-examination by Mr. McNair ..... 82<br/>7 Redirect examination by Mr. Joyal ..... 92<br/>8 Recross-examination by Mr. Lanzillo ..... 102<br/>9 Recross-examination by Mr. McNair ..... 107<br/>10 Further redirect examination by Mr. Joyal ... 108</p> <p>11</p> <p>12 EXHIBITS:</p> <p>13 V.W. Exhibit 1 - Page 20<br/>14 V.W. Exhibit 2 - Page 27<br/>15 V.W. Exhibit 3 - Page 33<br/>16 V.W. Exhibit 4 - Page 36<br/>17 V.W. Exhibit 5 - Page 40<br/>18 V.W. Exhibit 6 - Page 46</p> <p>19<br/>20<br/>21<br/>22<br/>23<br/>24<br/>25</p>  | <p style="text-align: right;">Page 5</p> <p>1 Q. I can't think of my clients in this lawsuit.<br/>2 You're not party to the lawsuit between Abby<br/>3 Conley and OCY, are you?<br/>4 A. Party?<br/>5 Q. A party. Yeah, you're not a Plaintiff in this<br/>6 case.<br/>7 A. No.<br/>8 Q. No, okay. And you're being represented today by<br/>9 counsel?<br/>10 A. Yes.<br/>11 Q. And what is your lawyer's name?<br/>12 A. Alison Scarpitti.<br/>13 Q. I'm going to ask you some questions today. This<br/>14 should be fairly short, Miss [W.]. And these are just<br/>15 questions that are going to be posed by me. If you don't<br/>16 understand one of my questions, please tell me. If you want<br/>17 to speak to Ms. Scarpitti, if you think there are some<br/>18 issues surrounding some legal requirements of yours or<br/>19 things that may impact you in any other proceeding, you can<br/>20 just let me know that, and you can talk to Miss Scarpitti<br/>21 out in the hallway, if you want.<br/>22 What I'm going to tell you, though, is this is a<br/>23 Federal Court case, so the Federal Rules of Procedure apply<br/>24 in this case. I'm sure your lawyer knows about them. So<br/>25 although there may be some objections from counsel, she can</p> |

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| <p style="text-align: right;">Page 6</p> <p>1 object to the extent that she believes that some of these</p> <p>2 things either involve privilege between the two of you,</p> <p>3 maybe privilege with another attorney, or if there's some</p> <p>4 things that might impact on any future legal proceedings</p> <p>5 that you might have that might have to do with placing you</p> <p>6 at risk or self-incrimination. Other than that, she's not</p> <p>7 going to be able to object or to tell you not to answer a</p> <p>8 question. That's going to be confined to the other lawyers</p> <p>9 that have appearances in this case.</p> <p>10 Do you understand?</p> <p>11 A. Yeah.</p> <p>12 Q. Is there any reason why either through the taking</p> <p>13 of medication or something else that you believe you might</p> <p>14 not be able to conduct this deposition today?</p> <p>15 A. No.</p> <p>16 Q. Are there any medications that you're on that may</p> <p>17 affect your memory?</p> <p>18 A. Just Tylenol and Robitussin.</p> <p>19 Q. Now, I see that you're pregnant.</p> <p>20 A. Yes.</p> <p>21 Q. If because of your pregnancy you need to leave to</p> <p>22 do anything, please let us know. We'll be happy to</p> <p>23 accommodate you. Okay?</p> <p>24 A. Okay.</p> <p>25 Q. Also, what we're going to do here is there are</p> | <p style="text-align: right;">Page 8</p> <p>1 heart during the course of the time that you knew her?</p> <p>2 A. Yeah.</p> <p>3 Q. And she would talk to you about things and give</p> <p>4 you information about certain things?</p> <p>5 A. We didn't talk much in the beginning.</p> <p>6 Q. Okay. Well, what about in -- let's say, from late</p> <p>7 2003 into 2004.</p> <p>8 A. Yeah.</p> <p>9 Q. Did she become more actively involved in your</p> <p>10 cases?</p> <p>11 A. I don't know about more actively involved, but we</p> <p>12 talked more.</p> <p>13 Q. You talked more?</p> <p>14 A. Yes.</p> <p>15 Q. Would she call you on the telephone, talk to you?</p> <p>16 A. No. We talked at my visits.</p> <p>17 Q. At your visits. Now, you have, I believe, three</p> <p>18 children?</p> <p>19 A. Yes.</p> <p>20 Q. Tell us their first names, if you would.</p> <p>21 A. [D.], [J.], and [M.].</p> <p>22 Q. And it's my understanding that two of the children</p> <p>23 are twins.</p> <p>24 A. No.</p> <p>25 Q. No? They are not. You have two by one father?</p> |
| <p style="text-align: right;">Page 7</p> <p>1 going to be questions asked. Your name is not going to</p> <p>2 appear in the transcript. It's just going to be initials.</p> <p>3 Any references to any of your children will also be</p> <p>4 initials. Okay? And that's to protect both your privacy,</p> <p>5 as well as the privacy of the kids.</p> <p>6 A. Okay.</p> <p>7 Q. Okay? And, finally, if you don't understand one</p> <p>8 of my questions, please tell me.</p> <p>9 A. Okay.</p> <p>10 Q. Okay? Do you know Abby Conley?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know Deanna Cosby?</p> <p>13 A. Yes.</p> <p>14 Q. How long have you known Abby Conley?</p> <p>15 A. Since June of 2003, I believe.</p> <p>16 Q. June of 2003?</p> <p>17 A. I believe so.</p> <p>18 Q. How did you come to know Abby Conley?</p> <p>19 A. She was the case aide who transported the kids for</p> <p>20 my visits. And then later on, after my visits became</p> <p>21 supervised, she supervised most of them.</p> <p>22 Q. Okay. And did you have a good relationship with</p> <p>23 her?</p> <p>24 A. Um, yeah.</p> <p>25 Q. Do you believe that she had your best interests at</p>   | <p style="text-align: right;">Page 9</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And then one by another?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And your daughter [M.]'s father is [R.B.];</p> <p>5 is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. Is Mr. [B.] still incarcerated, do you know?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know when his release date is?</p> <p>10 A. 14 and a half to 17 years from now.</p> <p>11 Q. Okay. That's how long he's in prison.</p> <p>12 A. (Witness nods head.)</p> <p>13 Q. Where does your daughter [M.] now reside?</p> <p>14 A. She resides with his mother.</p> <p>15 Q. Is that [C.B.]?</p> <p>16 A. Yes.</p> <p>17 Q. And has there been any petitions filed to</p> <p>18 terminate your parental rights?</p> <p>19 A. Yes.</p> <p>20 Q. As to all the children?</p> <p>21 A. Yes.</p> <p>22 Q. You're being represented -- are you being</p> <p>23 represented by Miss Scarpitti in those proceedings?</p> <p>24 A. Yes.</p> <p>25 Q. How about in the criminal proceedings? Is</p>  |

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| <p style="text-align: right;">Page 10</p> <p>1 Miss Scarpitti your lawyer as well?</p> <p>2 A. No.</p> <p>3 Q. You have another lawyer?</p> <p>4 A. Yes.</p> <p>5 Q. I have some documents here that have been</p> <p>6 previously marked in other depositions, and I'm going to</p> <p>7 show them to you and ask if you can identify them for me.</p> <p>8 Okay? These are all documents. One purports to be a letter</p> <p>9 written to someone named [R.], signed by someone named [V].</p> <p>10 It was marked as Conley Exhibit No. 13. Why don't you take</p> <p>11 a look at that and tell me if you recognize the handwriting</p> <p>12 in that letter.</p> <p>13 A. Yes, that's my handwriting.</p> <p>14 Q. Okay. And is that your signature at the back?</p> <p>15 A. Yeah.</p> <p>16 Q. And there's a date on that of 5/21.</p> <p>17 A. (Witness nods head.)</p> <p>18 Q. Do you know whether that was 2004? It references</p> <p>19 some hearings, I believe.</p> <p>20 A. It was most likely 2004, then.</p> <p>21 Q. Would have been May 21st, 2004?</p> <p>22 A. Yeah.</p> <p>23 Q. And is that a summary to Mr. [B.] of a hearing</p> <p>24 that took place regarding your [D.] and the other child?</p> <p>25 A. Yes.</p>             | <p style="text-align: right;">Page 12</p> <p>1 discussed with her lawyer --</p> <p>2 MR. JOYAL: I didn't ask her --</p> <p>3 MS. SCARPITTI: -- and anything that was given to</p> <p>4 her by her lawyer --</p> <p>5 MR. JOYAL: Let me ask it this way, then:</p> <p>6 Q. Did you have a copy of the summaries before the</p> <p>7 hearing?</p> <p>8 (Discussion held off the record.)</p> <p>9 Q. Would you have gotten them before the hearing?</p> <p>10 A. I believe I did.</p> <p>11 Q. You believe you got them before the hearing. Did</p> <p>12 you get any of them from Abby Conley directly?</p> <p>13 A. Not directly from her.</p> <p>14 Q. And your recollection is, is that -- would it have</p> <p>15 been, then, from your lawyer? Your lawyer had gave you the</p> <p>16 summaries before the hearing?</p> <p>17 A. Yeah.</p> <p>18 Q. Before the hearing that you were talking about</p> <p>19 there, did you have any conversations with Abby Conley?</p> <p>20 A. Probably.</p> <p>21 Q. Did she tell you about what she was -- what was</p> <p>22 contained in her summary?</p> <p>23 A. No. Maybe after I got the summary. Maybe I</p> <p>24 asked -- would have asked her about it.</p> <p>25 Q. Oh, okay. So your recollection may be that you</p>  |
| <p style="text-align: right;">Page 11</p> <p>1 Q. I mean, there are quotes in there from court</p> <p>2 summaries and things such as that.</p> <p>3 A. Yeah.</p> <p>4 Q. And there's -- one of the summaries that's quoted</p> <p>5 in there is Abby Conley's summary; is that right?</p> <p>6 A. (No response.)</p> <p>7 Q. I think it's within the first couple pages.</p> <p>8 A. Yeah.</p> <p>9 Q. And you wrote that letter just to give a report to</p> <p>10 [R.] about what had happened?</p> <p>11 A. Yes.</p> <p>12 Q. Do you know whether or not the hearing had already</p> <p>13 taken place when you wrote that letter, or is that before</p> <p>14 the hearing?</p> <p>15 A. I don't know for sure, but it must have been.</p> <p>16 It's -- more than likely it was afterwards.</p> <p>17 Q. Okay. How did you get copies of the summaries?</p> <p>18 MS. SCARPITTI: Objection. I think that's going</p> <p>19 to go to attorney/client privilege.</p> <p>20 MR. JOYAL: Why? Were you her lawyer at that</p> <p>21 time?</p> <p>22 MS. SCARPITTI: No, but she was represented by</p> <p>23 counsel at that time.</p> <p>24 MR. JOYAL: All right. And what's the privilege?</p> <p>25 MS. SCARPITTI: I think anything that she may have</p> | <p style="text-align: right;">Page 13</p> <p>1 would have gotten the summaries before the hearing, and then</p> <p>2 you would have spoken with Abby Conley about what was in the</p> <p>3 summaries?</p> <p>4 A. That's possible. I definitely got the summaries</p> <p>5 before the hearing, though.</p> <p>6 Q. Okay. But you're not sure whether or not they</p> <p>7 came from your lawyer or they came from -- through Abby. Is</p> <p>8 that right?</p> <p>9 A. Oh, yeah, they came from my lawyer.</p> <p>10 Q. Okay. But you are somewhat sure that before the</p> <p>11 date of the hearing, you and Abby Conley had a conversation</p> <p>12 about what was contained in the summaries.</p> <p>13 A. Before the hearing?</p> <p>14 Q. Before the hearing.</p> <p>15 A. Not that I remember specifically. It was a long</p> <p>16 time ago.</p> <p>17 Q. I understand. Okay. So I just want to make sure,</p> <p>18 because I thought you told me that you thought that you</p> <p>19 would have probably had a conversation with her about the</p> <p>20 summaries before the hearing.</p> <p>21 A. It seems likely, but I'm not even sure that I seen</p> <p>22 her after I got the summaries and before my hearing.</p> <p>23 Q. During the course of time -- you said you met her</p> <p>24 starting in 2003?</p> <p>25 A. Yes.</p> |

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| <p style="text-align: right;">Page 14</p> <p>1 Q. Sometime in late 2003. Do you have any<br/>2 recollection during that period of time, before May 21st of<br/>3 2004, of Abby Conley discussing with you things that may<br/>4 have been contained in agency records concerning you, like<br/>5 summaries and like plans?</p> <p>6 A. No.</p> <p>7 Q. No? You don't have a recollection?</p> <p>8 A. (Witness shakes head.)</p> <p>9 Q. Okay. I'm going to show you another document.<br/>10 This one was marked as Conley Exhibit No. 15. Tell me if<br/>11 you recognize the handwriting on that.</p> <p>12 A. That's also my writing.</p> <p>13 Q. Okay. And is that directed to the same<br/>14 individual?</p> <p>15 A. Yes.</p> <p>16 Q. And your signature on the back page?</p> <p>17 MR. McNAIR: Are you going to offer the document?</p> <p>18 MR. JOYAL: I just did. It's Conley Exhibit No.<br/>19 15.</p> <p>20 A. Yes.</p> <p>21 Q. Okay. That's your handwriting and that's your<br/>22 signature?</p> <p>23 A. Yes.</p> <p>24 Q. And this was a letter you wrote to [R.B.]?</p> <p>25 A. Yes.</p>   | <p style="text-align: right;">Page 16</p> <p>1 himself?</p> <p>2 MS. SCARPITTI: Objection. Goes to<br/>3 attorney/client privilege. Anything that Amy<br/>4 Jones would have told her.</p> <p>5 Q. Did Abby Conley tell you that?</p> <p>6 A. No.</p> <p>7 Q. Do you know how Amy Jones would have known about<br/>8 that?</p> <p>9 MS. SCARPITTI: Again, objection. Goes to<br/>10 attorney/client privilege.</p> <p>11 Q. Do you know why Amy Jones would have even spoken<br/>12 about a social worker's personal life to you?</p> <p>13 MS. SCARPITTI: Objection. Goes to<br/>14 attorney/client privilege.</p> <p>15 MR. JOYAL: Okay. I'm going to reserve our rights<br/>16 to -- you understand, Ms. Scarpitti, that this has<br/>17 to do with whether or not confidential information<br/>18 contained in an OCY case file was given to your<br/>19 client.</p> <p>20 MS. SCARPITTI: Yes.</p> <p>21 MR. JOYAL: And what you're telling me now, I<br/>22 believe, is that you believe that that has no<br/>23 value to this case in terms of whether or not Abby<br/>24 Conley may have given that information in<br/>25 violation of OCY policy and/or Child Protective</p> |
| <p style="text-align: right;">Page 15</p> <p>1 Q. Okay. May I see that, please. Okay.<br/>2 (Discussion held off the record.)</p> <p>3 Q. Miss [W.], I'm going to show you something that<br/>4 I've highlighted from the May 21st, 2004 letter, and I want<br/>5 you to read -- if you would, read it out loud into the<br/>6 record. This is something you wrote to Mr. [B.]; is that<br/>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Do you want to read that out loud?</p> <p>10 A. "[P.] got a lot of nerve to talk about my<br/>11 supervision. Where was her supervision when her 10-year-old<br/>12 hung himself?"</p> <p>13 Q. Where did you get the information in reference to<br/>14 [P.] about her 10-year-old hanging himself?</p> <p>15 THE WITNESS: Can I ask --</p> <p>16 MS. SCARPITTI: Sure.<br/>17 (Discussion held off the record.)</p> <p>18 MS. SCARPITTI: I'm going to object to the<br/>19 question on the grounds of attorney/client<br/>20 privilege. I understand that that information<br/>21 came from her previous attorney.</p> <p>22 Q. Your understanding is -- was your previous<br/>23 attorney Amy Jones?</p> <p>24 A. Yeah.</p> <p>25 Q. Amy Jones told you that [P.W.]'s son had hung</p> | <p style="text-align: right;">Page 17</p> <p>1 Services Law to Miss Jones.</p> <p>2 MS. SCARPITTI: What I'm saying is that my client<br/>3 stated that Abby did not give it to her. Whether<br/>4 or not Abby did give it to Amy, the only way<br/>5 Ms. [W.] would know about that was if Amy said<br/>6 that Abby gave it to her, in which case that would<br/>7 be attorney/client privilege. I would suggest<br/>8 that if you want to find out where her lawyer got<br/>9 it from, you would ask her attorney.</p> <p>10 MR. JOYAL: Well, if you were here yesterday,<br/>11 you'd would know the answer.</p> <p>12 BY MR. JOYAL:</p> <p>13 Q. So you did not get this information from Abby<br/>14 Conley.</p> <p>15 A. No.</p> <p>16 Q. You did not get this information independently of<br/>17 the case that you were involved in with Ms. Jones; is that<br/>18 correct? Do you understand my question?</p> <p>19 A. No, I don't.</p> <p>20 Q. You didn't get it from Abby, you say.</p> <p>21 A. Right.</p> <p>22 Q. You didn't get it from [P.], I presume.</p> <p>23 A. No.</p> <p>24 Q. You didn't get it from [R.].</p> <p>25 A. No.</p>                              |



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| <p style="text-align: right;">Page 18</p> <p>1 Q. You didn't get it from your mother?</p> <p>2 A. No.</p> <p>3 Q. Didn't get it from your father?</p> <p>4 A. No. But I also did get it from my -- the kids'</p> <p>5 paternal grandmother.</p> <p>6 Q. The kids' paternal grandmother gave it to you.</p> <p>7 Where did she get the information?</p> <p>8 A. I'm not sure. But it was after Amy gave it to me.</p> <p>9 Q. It was after Amy gave it to you.</p> <p>10 A. Yes.</p> <p>11 Q. So why was that? Do you know? Do you have any</p> <p>12 idea why Amy Jones would have been talking to you about your</p> <p>13 social worker's personal life?</p> <p>14 MS. SCARPITTI: Objection. It goes to</p> <p>15 attorney/client privilege.</p> <p>16 MR. JOYAL: No. I asked her --</p> <p>17 MR. McNAIR: I object on grounds of relevancy.</p> <p>18 MR. JOYAL: That's fine. I asked her if she</p> <p>19 knew -- which is what you suggested to me, Miss</p> <p>20 Scarpitti -- is if she knew why or has any</p> <p>21 understanding as to why, independent of her</p> <p>22 conversation with her lawyer.</p> <p>23 Excuse me, Mr. McNair, you don't represent</p> <p>24 her, so I would suggest that you please not coach</p> <p>25 Miss Scarpitti in terms of what you want her to</p> | <p style="text-align: right;">Page 20</p> <p>1 the question, so she just waived the privilege.</p> <p>2 MR. ANGELONE: Object to relevance.</p> <p>3 MR. JOYAL: Okay? She answered the question. And</p> <p>4 she's waived the privilege twice by saying that</p> <p>5 Amy told her.</p> <p>6 MS. SCARPITTI: No, she has not waived the</p> <p>7 privilege.</p> <p>8 MR. JOYAL: Oh, I -- I disagree, Miss Scarpitti.</p> <p>9 MR. McNAIR: Then take it up with the Judge. Quit</p> <p>10 wasting our time with arguing and bickering with</p> <p>11 lawyers across the table. I've had it.</p> <p>12 Q. You had information given to you from Miss Jones</p> <p>13 about the social worker's personal life; is that right?</p> <p>14 A. Yes.</p> <p>15 (V.W. Deposition Exhibit 1</p> <p>16 marked for identification.)</p> <p>17 (Discussion held off the record.)</p> <p>18 Q. Take a look at Exhibit No. 1. Is that your</p> <p>19 handwriting?</p> <p>20 A. Yes.</p> <p>21 Q. What is the date of that letter?</p> <p>22 A. June 3rd, 2004.</p> <p>23 Q. Again, written to [R.B.]</p> <p>24 A. Yes.</p> <p>25 Q. Your signature on the back of it, the last page?</p>   |
| <p style="text-align: right;">Page 19</p> <p>1 tell about her client.</p> <p>2 MS. SCARPITTI: Well, first of all, what I</p> <p>3 suggested was that she not -- that [V.] not be</p> <p>4 asked how Amy or why Amy gave it to her. What I</p> <p>5 suggested was that you ask Amy herself.</p> <p>6 BY MR. JOYAL:</p> <p>7 Q. Well, I'm going to ask the question this way:</p> <p>8 When Amy told you that, did it ever occur to you to think of</p> <p>9 why she would have told that to you? In order to help your</p> <p>10 case?</p> <p>11 A. Not so much in order to help my case.</p> <p>12 Q. Just to talk about the worker.</p> <p>13 A. Right. Because I always talked about the worker,</p> <p>14 because her and I didn't get along.</p> <p>15 Q. I see. So Amy was giving you information that was</p> <p>16 sort of negative about the worker too.</p> <p>17 A. She said it was --</p> <p>18 MR. McNAIR: Object to the form.</p> <p>19 A. -- public information.</p> <p>20 MR. ANGELONE: Irrelevant.</p> <p>21 Q. She said it was public information?</p> <p>22 MS. SCARPITTI: Objection. Goes to</p> <p>23 attorney/client privilege. Anything that Amy said</p> <p>24 to her is privileged.</p> <p>25 MR. JOYAL: Well, excuse me. She just answered</p>                         | <p style="text-align: right;">Page 21</p> <p>1 A. Yes.</p> <p>2 Q. Okay. I've highlighted some portion of that</p> <p>3 letter. Okay? Would you read for me the first highlighted</p> <p>4 part. I think it's the first sentence.</p> <p>5 A. "I talked to Abby for a while --"</p> <p>6 (Witness asked for clarification by the reporter.)</p> <p>7 Q. Okay, let's start from the beginning. I think it</p> <p>8 says, "Hey Sweetie."</p> <p>9 A. "Sorry about tonight. I talked to Abby for a</p> <p>10 while. Then talked to Leslie."</p> <p>11 Q. Okay. What does it say after that?</p> <p>12 A. "I actually didn't even get to work on time. I</p> <p>13 didn't get off with Leslie until almost 10:30."</p> <p>14 Q. Who is Leslie?</p> <p>15 A. That is the court-appointed special advocate for</p> <p>16 my case.</p> <p>17 Q. Now, I want you to go back down to where I started</p> <p>18 highlighting that says "anyway".</p> <p>19 A. "Anyway, Abby said that [P.] and Sue had a meeting</p> <p>20 about me and that she's mad because they are working against</p> <p>21 me instead of for me."</p> <p>22 MR. ANGELONE: I'm going to object as to</p> <p>23 relevancy.</p> <p>24 MR. JOYAL: Your objection is noted.</p> <p>25 Q. Okay, go ahead.</p> |

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| <p style="text-align: right;">Page 22</p> <p>1 MR. ANGELONE: In fact, I'm going to object to</p> <p>2 anything that's read from this letter as to</p> <p>3 relevance.</p> <p>4 MR. JOYAL: That's fine.</p> <p>5 Q. Go ahead. Do you know where you stopped? Why</p> <p>6 don't you start over again. Start with the "anyway".</p> <p>7 A. "Anyway, Abby said that [P.] and Sue had a meeting</p> <p>8 about me and that she's mad because they are working against</p> <p>9 me instead of for me, and they are gonna put up a fight</p> <p>10 against me, and that [P.] will probably be at most of my</p> <p>11 visits from now on, so that sucks."</p> <p>12 Q. Okay. Keep going. "Sorry".</p> <p>13 A. "Sorry my writing is messy, but I just wrote a</p> <p>14 three-page letter to my attorney telling her --"</p> <p>15 MS. SCARPITTI: Objection. Attorney/client</p> <p>16 privilege.</p> <p>17 MR. JOYAL: Sorry, no. It's not -- it talks about</p> <p>18 what she did, not what she said.</p> <p>19 Q. Go ahead.</p> <p>20 A. "-- telling her what Abby --" I don't know what</p> <p>21 that says.</p> <p>22 Q. Does that say -- is there another name?</p> <p>23 A. Looks like it.</p> <p>24 Q. "And Leslie said." And what else does it say?</p> <p>25 A. "And I told her I wanted to buy a copy of the</p> | <p style="text-align: right;">Page 24</p> <p>1 messy, but I just wrote a three-page letter to my attorney</p> <p>2 telling her what Abby," blank, "and Leslie had said."?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. So you gave information to your lawyer</p> <p>5 about what Ms. Conley had told you.</p> <p>6 A. Yeah.</p> <p>7 MS. SCARPITTI: Objection.</p> <p>8 MR. JOYAL: Too late.</p> <p>9 MR. McNAIR: You're so clever, Ed. I really</p> <p>10 admire you.</p> <p>11 MR. JOYAL: Tim, I wish I could say the same.</p> <p>12 MR. McNAIR: You have -- you have a way to ask</p> <p>13 questions that you know are objectionable and try</p> <p>14 to get the witness to answer --</p> <p>15 MR. JOYAL: Tim --</p> <p>16 MR. McNAIR: -- before the attorney has a chance</p> <p>17 to object.</p> <p>18 MR. JOYAL: Tim --</p> <p>19 MR. McNAIR: I admire that. It's very clever.</p> <p>20 MR. JOYAL: I think that what we need to</p> <p>21 understand is that she doesn't represent you or</p> <p>22 anyone on your team, and that you've been telling</p> <p>23 her what you don't want her client to answer in</p> <p>24 order to avoid what was there. We know they are</p> <p>25 in the letters, we know that they have been</p> |
| <p style="text-align: right;">Page 23</p> <p>1 court transcript."</p> <p>2 Q. Okay. Either on June 3rd of 2004 or before</p> <p>3 June 3rd of 2004, Abby Conley had told you the things that</p> <p>4 you wrote to [R.B.]?</p> <p>5 A. Yeah.</p> <p>6 Q. She told you about meetings that were being held,</p> <p>7 she told you about what the strategy was, she told you about</p> <p>8 [P.W.] was going to be at most of your visits?</p> <p>9 MR. McNAIR: Objection. Lack of foundation.</p> <p>10 That's a complete misstatement.</p> <p>11 Q. Let me see -- I'll quote it, then, just so Mr.</p> <p>12 McNair is happy. You wrote, "Anyway, Abby said that [P.]</p> <p>13 and Sue had a meeting about me and she was mad because they</p> <p>14 are working against me instead of for me." Is that what</p> <p>15 Abby Conley told you?</p> <p>16 A. Yes.</p> <p>17 Q. That she was mad about what they were doing.</p> <p>18 Correct?</p> <p>19 A. Right.</p> <p>20 Q. Okay. And that -- did she also tell you, "And</p> <p>21 they are gonna put up a fight against me and that [P.] will</p> <p>22 probably be at most of my visits from now on, so that</p> <p>23 sucks."?</p> <p>24 A. Yes.</p> <p>25 Q. Then you also wrote to [R.], "Sorry my writing is</p>  | <p style="text-align: right;">Page 25</p> <p>1 authenticated as of right now. Okay?</p> <p>2 MS. SCARPITTI: I would object to the</p> <p>3 characterization that either Attorney McNair or</p> <p>4 Attorney Angelone has been telling me what to do</p> <p>5 here.</p> <p>6 MR. JOYAL: Okay.</p> <p>7 MS. SCARPITTI: I'm here to protect [V.] and her</p> <p>8 attorney/client privilege --</p> <p>9 MR. JOYAL: Okay, that's fine.</p> <p>10 MS. SCARPITTI: -- which you seem bent on</p> <p>11 destroying at this.</p> <p>12 MR. JOYAL: Miss Scarpitti, what we are bent on</p> <p>13 doing here is getting information that has</p> <p>14 independent legal significance to this case.</p> <p>15 MR. ANGELONE: Which is irrelevant to the case.</p> <p>16 MR. JOYAL: It is, Mr. --</p> <p>17 MR. ANGELONE: Yeah.</p> <p>18 MR. JOYAL: Well, you can argue that at the time</p> <p>19 of trial, Mr. Angelone.</p> <p>20 MR. ANGELONE: Love to. And I'd love to before</p> <p>21 that.</p> <p>22 MR. McNAIR: We'll argue it before that.</p> <p>23 MR. JOYAL: You can argue it whenever you want.</p> <p>24 The point is that you know that one of the reasons</p> <p>25 that your client was asked to leave the agency was</p>        |



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| <p style="text-align: right;">Page 26</p> <p>1 for violating confidentiality.</p> <p>2 MR. ANGELONE: Not from any of these letters. I'm</p> <p>3 going to -- put that objection in the record.</p> <p>4 MR. JOYAL: Really? Not from these letters?</p> <p>5 Well, she's just testified --</p> <p>6 MR. McNAIR: There has been no foundation that the</p> <p>7 agency knew anything about these --</p> <p>8 (Proceedings interrupted by the reporter.)</p> <p>9 MR. McNAIR: There is no evidence that the agency</p> <p>10 knew anything about these letters before Miss</p> <p>11 Conley was terminated.</p> <p>12 MR. JOYAL: That's right, but they knew about them</p> <p>13 afterwards. But what we now know is that your</p> <p>14 client gave --</p> <p>15 MR. ANGELONE: And that's the basis for the</p> <p>16 relevancy objection.</p> <p>17 MR. JOYAL: -- gave evidence and information</p> <p>18 orally to this witness.</p> <p>19 MR. McNAIR: And that's the way -- that's the way</p> <p>20 it works.</p> <p>21 MR. JOYAL: Which means she should have been</p> <p>22 fired.</p> <p>23 MR. McNAIR: No.</p> <p>24 MR. JOYAL: Okay.</p> <p>25 MR. McNAIR: You think?</p> | <p style="text-align: right;">Page 28</p> <p>1 reason".</p> <p>2 A. "The reason Deanna called me is to warn me that</p> <p>3 they are going to detain [M.] and they are trying to put her</p> <p>4 in a foster home rather than with your mom. She actually</p> <p>5 suggested I leave town and have the baby."</p> <p>6 Q. "But if --"</p> <p>7 A. "But if I miss a visit with my kids, [P.] will use</p> <p>8 that as abandonment, so I wouldn't even know where to go or</p> <p>9 how to time it."</p> <p>10 Q. Let's stop right there. Okay? Deanna Cosby</p> <p>11 called you on the telephone?</p> <p>12 A. Yes.</p> <p>13 Q. To tell you all this stuff?</p> <p>14 A. Yes.</p> <p>15 Q. Before Deanna called you, did you know about the</p> <p>16 order?</p> <p>17 A. I never knew there was an order until I had the</p> <p>18 baby.</p> <p>19 Q. But did you know that there was going to be an</p> <p>20 attempt to take the baby before Deanna called you?</p> <p>21 A. I never really knew.</p> <p>22 Q. Okay. Did Deanna tell you who asked her to call</p> <p>23 you?</p> <p>24 A. Who asked her to call me?</p> <p>25 Q. Yeah.</p>   |
| <p style="text-align: right;">Page 27</p> <p>1 MR. JOYAL: I absolutely think, Mr. McNair.</p> <p>2 MR. McNAIR: Well, okay.</p> <p>3 MR. JOYAL: Let's go on a little bit further.</p> <p>4 Let's mark this one as No. 2.</p> <p>5 (V.W. Deposition Exhibit 2</p> <p>6 marked for identification.)</p> <p>7 BY MR. JOYAL:</p> <p>8 Q. [V.W.] No. 2, is that your handwriting?</p> <p>9 A. Yes.</p> <p>10 Q. Is that a letter that you sent to [R.B.] on</p> <p>11 June 5th of 2004?</p> <p>12 A. Yeah.</p> <p>13 Q. Is that your signature on the back of it?</p> <p>14 A. Yes.</p> <p>15 Q. Is this a letter -- would I be correct in</p> <p>16 characterizing this as a letter you wrote to [R.] to tell</p> <p>17 him certain things about your case, your children, as well</p> <p>18 as your and his unborn child?</p> <p>19 MR. ANGELONE: Same objection as to relevancy;</p> <p>20 anything contained in that letter.</p> <p>21 MR. JOYAL: That's fine.</p> <p>22 Q. Is that true?</p> <p>23 A. Yes.</p> <p>24 Q. I highlighted, again, some portions of this.</p> <p>25 Would you read them for me. And it starts with "the</p>   | <p style="text-align: right;">Page 29</p> <p>1 A. I did.</p> <p>2 Q. Who did you tell -- well, did you have Deanna's</p> <p>3 phone number?</p> <p>4 A. Yes.</p> <p>5 Q. Where did you get it from?</p> <p>6 A. She was my caseworker. When she moved to North</p> <p>7 Carolina, she still had the same cell phone number.</p> <p>8 Q. She told it to you. Did she tell you that she got</p> <p>9 that information from Abby?</p> <p>10 A. What information?</p> <p>11 Q. The information you say, "Deanna called me to warn</p> <p>12 me that they are going to detain [M.]."</p> <p>13 A. No. She told me based on who my caseworker was.</p> <p>14 Who my new caseworker was.</p> <p>15 Q. Did you know or did you become aware that she had</p> <p>16 exchanged e-mails with Ms. Conley on the 4th of June in</p> <p>17 which Miss Conley was asking her to call you to warn you</p> <p>18 about the plan?</p> <p>19 A. No.</p> <p>20 MR. McNAIR: Objection to your characterization of</p> <p>21 those e-mails. That's not what it says.</p> <p>22 Q. Okay. But Deanna Cosby's call back to you came on</p> <p>23 the 5th of June, correct?</p> <p>24 A. I don't know for sure, but, I mean, it looks like</p> <p>25 it.</p> |

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| <p style="text-align: right;">Page 30</p> <p>1 Q. Well, it could have come the 4th of June?</p> <p>2 A. Yeah.</p> <p>3 Q. And is it true that Deanna Cosby suggested to you</p> <p>4 that you leave the jurisdiction to have the child?</p> <p>5 A. She said if I were her, or something to the matter</p> <p>6 of that's the only way that I'm going to avoid it.</p> <p>7 Q. So she was advising you to leave. In effect.</p> <p>8 A. Well, she also said that she knew I couldn't</p> <p>9 because of my other kids --</p> <p>10 Q. Other kids.</p> <p>11 A. -- that I'm fighting for. So she wasn't advising</p> <p>12 me. She was more or less using a way with words.</p> <p>13 Q. Well, let me explore that with you. Did she say,</p> <p>14 if I were you, I would leave, because that's the only way</p> <p>15 you're going to avoid, you know, losing your child?</p> <p>16 A. I don't remember what her exact words were, but my</p> <p>17 impression was that she wasn't being too serious about it,</p> <p>18 because she knew that I wanted my other kids.</p> <p>19 Q. All right. But she did mention -- I mean, you say</p> <p>20 here, "She actually suggested I leave town and have the</p> <p>21 baby."</p> <p>22 A. Yeah.</p> <p>23 Q. That doesn't -- you know, why would you have told</p> <p>24 that to Mr. [B.] if you didn't believe that she was being</p> <p>25 somewhat serious?</p> | <p style="text-align: right;">Page 32</p> <p>1 answer.</p> <p>2 MR. JOYAL: She did, I believe.</p> <p>3 MR. McNAIR: No, she didn't.</p> <p>4 Q. Okay. Had you finished your answer before I</p> <p>5 cut --</p> <p>6 A. Somewhat. I was just going to say that the</p> <p>7 detention order was signed anyway, before she even asked me</p> <p>8 to do those things.</p> <p>9 Q. Do you have a recollection at any time of Abby</p> <p>10 Conley telling you that [P.W.] had assaulted one of your</p> <p>11 children?</p> <p>12 A. Of Abby Conley telling me that --</p> <p>13 Q. [P.W.] had --</p> <p>14 A. -- assaulted one of my children.</p> <p>15 Q. -- assaulted one of your children or been rough</p> <p>16 with one of your children?</p> <p>17 A. I remember talking about it.</p> <p>18 Q. With Abby?</p> <p>19 A. Yeah.</p> <p>20 Q. When did she tell you that?</p> <p>21 A. I have no idea.</p> <p>22 Q. Did she tell you that she had filed a report</p> <p>23 against [P.W.] of child abuse?</p> <p>24 MR. McNAIR: Objection. Foundation.</p> <p>25 Q. You can answer.</p>        |
| <p style="text-align: right;">Page 31</p> <p>1 A. It may have just been the way I worded it to him.</p> <p>2 I didn't put much thought in these letters, because I never</p> <p>3 thought I would have to come back to them.</p> <p>4 Q. But you do recall the conversation with Deanna</p> <p>5 Cosby about the prognostic detention order.</p> <p>6 A. Yes.</p> <p>7 Q. At some point in time, by the way, after you had</p> <p>8 the baby, did you tell [P.W.] that Abby had told you about</p> <p>9 the order?</p> <p>10 A. No.</p> <p>11 Q. Do you remember having a conversation with her in</p> <p>12 the hospital, telling her that you knew about the order?</p> <p>13 A. No.</p> <p>14 Q. You just don't have a recollection of that as you</p> <p>15 sit here today?</p> <p>16 MR. McNAIR: Objection to the form.</p> <p>17 A. I can't picture having a conversation with her.</p> <p>18 Q. Okay.</p> <p>19 A. I didn't talk to her too much.</p> <p>20 Q. Well, did you ever tell her that they were going</p> <p>21 to take the child?</p> <p>22 A. No. She had actually told me a list of things to</p> <p>23 do in order for them not to take the child.</p> <p>24 Q. And this was before the child --</p> <p>25 MR. McNAIR: Would you please let her finish her</p>  | <p style="text-align: right;">Page 33</p> <p>1 A. No, I don't believe so.</p> <p>2 Q. You don't believe so. But you do recall her</p> <p>3 telling you what had happened.</p> <p>4 A. Yes.</p> <p>5 Q. Did you relay that information to Mr. [B.]?</p> <p>6 A. I -- yeah, probably.</p> <p>7 Q. Did you know what he was going to do with that</p> <p>8 information?</p> <p>9 A. No.</p> <p>10 Q. Did you ask him to do anything with that</p> <p>11 information?</p> <p>12 A. I don't remember.</p> <p>13 (V.W. Deposition Exhibit 3</p> <p>14 marked for identification.)</p> <p>15 Q. Take a look at what's been marked as Exhibit No.</p> <p>16 3. Do you recognize the handwriting on that letter?</p> <p>17 A. Yeah, it's my writing.</p> <p>18 Q. And your signature on the back?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And this is another letter to</p> <p>21 Mr. [B.], similar to the previous two, right?</p> <p>22 A. Yeah.</p> <p>23 Q. All right. I highlighted something on the second</p> <p>24 page, and I'd ask you if you'd read that into the record,</p> <p>25 please.</p> |

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| <p style="text-align: right;">Page 34</p> <p>1 A. "Hey, I came up with a good idea. You know what<br/>2 I'd love to do? Steal [P.]s case aide Abby from her and<br/>3 have her be my babysitter. If I had all three kids, I could<br/>4 pay her about \$500 a week. That's probably more than she<br/>5 makes and maybe more than [P.] makes. I would love for her<br/>6 to make more than Patty. She's real good with kids too. My<br/>7 kids like her."<br/>8 Q. Okay. What were you doing for a living at that<br/>9 time?<br/>10 A. I believe I was working at the Jockey and at<br/>11 Valerio's.<br/>12 Q. And what was your salary?<br/>13 A. About a thousand dollars a week at the Jockey and<br/>14 hardly anything at Valerio's.<br/>15 MR. McNAIR: And what?<br/>16 MR. JOYAL: Hardly anything.<br/>17 A. Maybe like a hundred a week there.<br/>18 Q. What's Valerio's?<br/>19 A. It's an Italian restaurant.<br/>20 Q. Were you a waitress?<br/>21 A. Yes.<br/>22 Q. I'm not familiar with the Jockey.<br/>23 A. It's a health club.<br/>24 Q. Health club. So you were making a thousand<br/>25 dollars a week at a health club, a hundred dollars a week as</p> | <p style="text-align: right;">Page 36</p> <p>1 have taken your idea or your fantasy forward, that you could<br/>2 have paid Abby Conley \$500 a week?<br/>3 A. Yes.<br/>4 Q. And still been able to live and do what you needed<br/>5 to do.<br/>6 A. Yes.<br/>7 Q. Were you paying Amy Jones?<br/>8 A. Yes.<br/>9 Q. Had you given her a retainer?<br/>10 MS. SCARPITTI: Objection. Attorney/client<br/>11 privilege. It's also irrelevant.<br/>12 MR. JOYAL: To what? You're not a party.<br/>13 MR. McNAIR: She's objecting on privilege --<br/>14 MR. JOYAL: You can't object to relevance,<br/>15 Miss Scarpitti.<br/>16 MR. ANGELONE: I am objecting to relevance.<br/>17 MR. JOYAL: You can object.<br/>18 MR. McNAIR: Thank you for letting us object, Ed.<br/>19 That's so kind of you.<br/>20 BY MR. JOYAL:<br/>21 Q. So you were paying Miss Jones. She wasn't doing<br/>22 your case for free, right?<br/>23 A. Correct.<br/>24 (V.W. Deposition Exhibit 4<br/>25 marked for identification.)</p>                                   |
| <p style="text-align: right;">Page 35</p> <p>1 a waitress. What were your expenses?<br/>2 A. I had to pay 250 for rent.<br/>3 Q. That's a month, right?<br/>4 A. Yes.<br/>5 Q. Okay.<br/>6 A. And probably a hundred dollars a month for car<br/>7 insurance.<br/>8 Q. So that's 350 a month. And then food for<br/>9 yourself?<br/>10 A. I'm not sure. I may have got food stamps.<br/>11 Q. You may have gotten food stamps? So you were --<br/>12 A. I don't know.<br/>13 Q. Did you work full -- I mean, I don't want to<br/>14 say -- I don't know about the Jockey. Was this like a<br/>15 full-time job for you?<br/>16 A. Um-hum.<br/>17 Q. So you were making approximately, if you worked<br/>18 all year, and let's say you took a couple weeks vacation,<br/>19 you were making about 50,000 a year?<br/>20 A. Yeah.<br/>21 Q. And you were on food stamps?<br/>22 A. I was for a while.<br/>23 Q. While you were working there?<br/>24 A. I don't remember exactly.<br/>25 Q. So you had -- you believe that you, if you could</p>   | <p style="text-align: right;">Page 37</p> <p>1 Q. Okay, Ms. [W.], would you take a look at Exhibit<br/>2 No. 4 and tell me if that's your handwriting.<br/>3 A. Yes.<br/>4 Q. Is that your signature on the back?<br/>5 A. Yes.<br/>6 Q. Okay.<br/>7 (Discussion held off the record.)<br/>8 Q. All right.<br/>9 MR. JOYAL: I'll give Mr. McNair an opportunity to<br/>10 look at the document.<br/>11 Q. I'm going to ask you to turn to the last page of<br/>12 the letter where I've highlighted.<br/>13 A. (Witness complies.)<br/>14 Q. Would you read for me -- start at the second<br/>15 sentence. It says "I", all the way down to where I finished<br/>16 highlighting.<br/>17 A. "I really like Abby. She's nice. She said she<br/>18 was happy I saw [P.] grab [D.] too."<br/>19 Q. Can I stop you there. Does that say happy or<br/>20 hoping?<br/>21 A. Maybe hoping.<br/>22 Q. Okay. "Hoping I saw [P.] grab [D.] too."<br/>23 A. "Too."<br/>24 Q. Okay, continue.<br/>25 A. "So she wasn't the only witness. I told her I'm</p> |

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| <p style="text-align: right;">Page 38</p> <p>1 lucky I didn't --"</p> <p>2 Q. Does that say "see that shit"?</p> <p>3 A. Yeah, "see that shit, or I'd be incarcerated for</p> <p>4 assault. I'm really glad Abby filed the complaint."</p> <p>5 Q. Now, I didn't highlight the next part, but does</p> <p>6 the next part say, "After this is all over with, I'm going</p> <p>7 to get something nice for Abby, Deanna, and Lisa."?</p> <p>8 A. Yes.</p> <p>9 Q. So before June 22nd of 2004 -- or on June 22nd,</p> <p>10 2004, Abby Conley told you she had filed a complaint against</p> <p>11 [P.W.] for grabbing [D.]; is that right?</p> <p>12 A. I'm not sure. I don't remember.</p> <p>13 Q. Well, how did you know that Abby Conley had filed</p> <p>14 a complaint, if she didn't tell you?</p> <p>15 A. I'm not sure. I don't remember how I knew it was</p> <p>16 her. But I knew there was a complaint, because I got a</p> <p>17 letter in the mail.</p> <p>18 Q. Do you know what the date of the complaint was and</p> <p>19 the date of the letter?</p> <p>20 A. No, I don't.</p> <p>21 Q. Well, I will represent to you that DPW says -- or</p> <p>22 that the complaint was filed on the 21st of June. Okay?</p> <p>23 Did you get a letter on the 22nd?</p> <p>24 A. I don't remember when I got the letter.</p> <p>25 Q. But -- you don't remember. But as you sit here</p> | <p style="text-align: right;">Page 40</p> <p>1 name would have been confidential. Okay?</p> <p>2 A. Yeah.</p> <p>3 Q. So knowing that, does that help refresh your</p> <p>4 recollection as to whether Ms. Conley told you that she,</p> <p>5 indeed, had filed a complaint?</p> <p>6 MR. ANGELONE: Objection. Relevance.</p> <p>7 MR. McNAIR: He's not going to stop until he</p> <p>8 browbeats her into saying what he wants.</p> <p>9 Q. Would that refresh your recollection, based upon</p> <p>10 what I just told you, that the letter would not have</p> <p>11 identified the reporter; that Abby Conley, indeed, had told</p> <p>12 you that she had filed the complaint?</p> <p>13 MR. McNAIR: Objection. Asked and answered.</p> <p>14 Q. You can answer it, ma'am.</p> <p>15 A. I don't remember specifically, but I guess that's</p> <p>16 what it says.</p> <p>17 Q. Okay. It says that you were glad that Abby filed</p> <p>18 the complaint.</p> <p>19 A. Yeah.</p> <p>20 (V.W. Deposition Exhibit 5</p> <p>21 marked for identification.)</p> <p>22 Q. Okay, Ms. [W.], take a look, if you would, at the</p> <p>23 next exhibit and tell me if that is a letter that you wrote.</p> <p>24 A. (Witness complies.)</p> <p>25 MR. McNAIR: Is this marked?</p> |
| <p style="text-align: right;">Page 39</p> <p>1 today, could it have been that Abby Conley told you that?</p> <p>2 MR. McNAIR: Objection. Calls for speculation.</p> <p>3 Q. Well, let me ask it this way: Your letter to [R.]</p> <p>4 says, "She said she was hoping I saw [P.] grab [D.] so that</p> <p>5 she would not be the only witness."</p> <p>6 A. (Witness nods head.)</p> <p>7 Q. Am I correct in presuming that the "she" that</p> <p>8 you're referring to is Abby?</p> <p>9 A. Yes.</p> <p>10 Q. So she had a conversation with you sometime before</p> <p>11 you wrote this letter on June 22nd saying to you that she</p> <p>12 wished you had seen it too so she wouldn't be the only</p> <p>13 witness. Right?</p> <p>14 A. Yeah, I guess.</p> <p>15 Q. And then you said, "I'm really glad Abby filed the</p> <p>16 complaint," but as you sit here today, you're not sure</p> <p>17 whether she told you she filed the complaint or whether you</p> <p>18 heard that from DPW. You're not sure, right?</p> <p>19 A. No, I'm not positive, no.</p> <p>20 Q. Okay. And has anyone told you that under Child</p> <p>21 Protective Services Law, the identity of a reporter is</p> <p>22 confidential?</p> <p>23 A. No.</p> <p>24 Q. No. Well, under law, the letter from DPW would</p> <p>25 not have said Abby Conley filed a complaint, because her</p>                       | <p style="text-align: right;">Page 41</p> <p>1 MR. JOYAL: It's been marked as Exhibit No. 5.</p> <p>2 MR. McNAIR: Thank you.</p> <p>3 MR. JOYAL: You're welcome.</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And you signed it?</p> <p>6 A. Yes.</p> <p>7 Q. And this was written on July 15th of 2004; is that</p> <p>8 correct?</p> <p>9 A. Yes.</p> <p>10 Q. When was [M.] born?</p> <p>11 A. July 6th.</p> <p>12 Q. So this was about nine days after her birth?</p> <p>13 A. Yes.</p> <p>14 Q. All right. I want you to -- I highlighted, again,</p> <p>15 some portions of that letter, and I'm going to ask you to</p> <p>16 read them for me, and I'm going to ask you some questions</p> <p>17 about them.</p> <p>18 The first one starts with -- toward the end of the</p> <p>19 first paragraph in the middle, it says "Abby said".</p> <p>20 A. "Abby said I have a nice-sized Army. She called</p> <p>21 me yesterday."</p> <p>22 Q. What was the conversation that you and Abby Conley</p> <p>23 had? With the exception of the quote "nice-sized Army",</p> <p>24 what were you talking about?</p> <p>25 A. Sounds like the court battle.</p>   |



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1 Q. The court battle. Was she again giving you  
2 information and advice as to what you needed to do?  
3 A. I don't think so.  
4 Q. Okay. Let's go to the end of the page. And what  
5 I'm going to ask you to do is read that. And it carries  
6 over to the next page. What does that say?  
7 A. "I'm just nervous about it, but they couldn't even  
8 get aggravated circumstances on Chris. I can't wait to talk  
9 to Ed Palattella either."  
10 Q. Let me ask you about that. Was Chris the father  
11 of the other two children?  
12 A. Yes.  
13 Q. Now, in the context of this, were you talking  
14 about a termination hearing or something regarding those two  
15 children?  
16 A. They filed aggravated circumstances on Chris and  
17 lost.  
18 Q. Which means -- well, in what context? Under  
19 what -- I mean, what type of proceedings was it?  
20 A. It was a court hearing.  
21 Q. Was it for involuntary termination of rights or  
22 just a dependency hearing?  
23 A. Just a dependency hearing.  
24 Q. And then you said, "I can't wait to talk to Ed  
25 Palattella about this."

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1 A. Yeah.  
2 Q. What were you going to talk to him about?  
3 A. I have talked to him about my whole case.  
4 Q. Have you?  
5 A. Yes.  
6 Q. Giving him what type of information?  
7 A. Everything that happens.  
8 Q. Even things that Abby Conley would have told you  
9 about your cases?  
10 A. Possibly.  
11 Q. Possibly. What were you hoping to accomplish by  
12 that?  
13 A. I was hoping to get public attention about how I  
14 was -- how wrong I was done by the agency.  
15 Q. Oh, I see. Okay. And so would some of the  
16 information that you were giving him about how the agency  
17 was doing you wrong have come from Abby Conley?  
18 A. I don't remember specifically what I gave him.  
19 Q. Okay.  
20 A. So.  
21 Q. Were there ever any newspaper stories written by  
22 Ed Palattella about your specific case?  
23 A. Yes.  
24 Q. Did they ever mention Miss Conley's name in them?  
25 A. I don't remember.

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1 Q. Did they identify anything that was contained in  
2 your case files that you had seen, that you may have given  
3 to him?  
4 A. I don't think so.  
5 Q. Okay. Go to the next thing that I have got  
6 highlighted. I think it says "I'm glad".  
7 A. "I'm glad these people are really helping me.  
8 They certainly don't have to do it, but they are. Abby,  
9 Deanna, and Lisa especially. Especially Abby, who she's  
10 putting her job on the line. After all this is over, I'll  
11 have to do something nice for the three of them."  
12 Q. Okay. So you were talking about three people;  
13 Deanna Cosby, Abby Conley, and someone named Lisa.  
14 A. Yes.  
15 Q. Now, Lisa, I think, is a CASA worker; is that  
16 right?  
17 A. No, she's a Project First worker.  
18 Q. And Abby Conley at that time was still employed by  
19 OCY?  
20 A. I believe so, yes.  
21 Q. And you characterized Abby Conley and Deanna Cosby  
22 as trying to help you.  
23 A. Yes.  
24 Q. Now, what were you trying to -- what type of help  
25 were they giving you?

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1 A. Just -- I guess I just felt like as being  
2 witnesses in my hearings, they would have had positive  
3 feedback, as opposed to everybody else that was being so  
4 negative.  
5 Q. And Abby had already been giving you information  
6 about what was contained in your case file and meetings that  
7 were being held within the agency, correct?  
8 MR. ANGELONE: Objection. I think that's a  
9 mischaracterization.  
10 MR. JOYAL: I believe she testified earlier, based  
11 on what --  
12 MR. McNAIR: I believe she hasn't testified to  
13 that at all.  
14 Q. Okay, let's go back to the letter. Okay? Let's  
15 go back to the first letter which was 6/3. Did we mark that  
16 one yet? Has that been marked or not? Or did we just read  
17 into the record from 6/3?  
18 MS. SCARPITTI: It's been marked as 1, I believe.  
19 MR. JOYAL: Okay.  
20 Q. Exhibit No. 1, you read into the record, "Anyway,  
21 Abby said that [P.] and Sue had a meeting about me and that  
22 she was mad because they are working against me instead of  
23 for me and they are going to put up a fight against me and  
24 that [P.] will probably be at most of my visits from now on,  
25 so that sucks." Right?

12 (Pages 42 to 45)



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| <p style="text-align: right;">Page 46</p> <p>1 A. Yes.</p> <p>2 Q. Abby Conley had been giving you information prior</p> <p>3 to writing this letter on June 3rd about meetings being held</p> <p>4 at OCY, correct?</p> <p>5 A. Yeah.</p> <p>6 Q. And that was one of the types of help that Abby</p> <p>7 Conley was giving you, right?</p> <p>8 A. Yeah.</p> <p>9 (V.W. Deposition Exhibit 6</p> <p>10 marked for identification.)</p> <p>11 Q. Do you see that? Have you ever seen that letter</p> <p>12 before?</p> <p>13 A. Yes.</p> <p>14 Q. Do you recognize the handwriting?</p> <p>15 A. Yes. It's [R.]'s.</p> <p>16 Q. It's [R.]'s.</p> <p>17 A. Yes.</p> <p>18 Q. I want to go -- and this is a letter dated</p> <p>19 July 9th, 2004 to Sue Deveney; is that right?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know who Sue Deveney is?</p> <p>22 A. It is -- it was [P.W.]'s supervisor and Deanna</p> <p>23 Cosby's supervisor.</p> <p>24 Q. Okay. Take a look, if you would, on the second</p> <p>25 page.</p>  | <p style="text-align: right;">Page 48</p> <p>1 Q. Did you get that information from Abby Conley?</p> <p>2 A. No.</p> <p>3 Q. Did you get part of that information from Abby</p> <p>4 Conley?</p> <p>5 A. The information about her son?</p> <p>6 Q. Yeah.</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you get the information -- did you give</p> <p>9 him the information about the investigation and the finality</p> <p>10 of the investigation?</p> <p>11 A. Yes.</p> <p>12 Q. Would I be correct that at no time had you ever</p> <p>13 been told by anyone from the Department of Public Welfare</p> <p>14 that the alleged perpetrator was [P.W.]?</p> <p>15 A. No.</p> <p>16 Q. I'm not correct?</p> <p>17 A. Yes, you are.</p> <p>18 Q. I am correct. So that the only person that you</p> <p>19 got the information about as to who this perpetrator was,</p> <p>20 was Abby Conley. Is that right?</p> <p>21 A. No. Actually, I had seen her do something to my</p> <p>22 child also. And another witness had seen her do something</p> <p>23 to my child.</p> <p>24 Q. When?</p> <p>25 A. Around that same time.</p> |
| <p style="text-align: right;">Page 47</p> <p>1 A. (Witness complies.)</p> <p>2 Q. There is -- the second full paragraph on the</p> <p>3 second page starts, "I --" Do you see this? "I was also".</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Would you read it out loud, if you would.</p> <p>7 A. "I was also informed that [P.] was investigated</p> <p>8 for grabbing, shaking, and yelling at [D.], though your</p> <p>9 agency stated these allegations could not be proven, given</p> <p>10 her personal history and other incidents I have been made</p> <p>11 aware of. I trust you and your agency will do all that you</p> <p>12 can to ensure that [P.] is not a threat to [M.] in any way.</p> <p>13 I would like another person to be present with [P.] anytime</p> <p>14 that she is alone with my daughter. I will pursue all legal</p> <p>15 avenues against her, you, and OCY if [M.] is harmed in any</p> <p>16 way while in [P.]'s care or if I suspect she has been harmed</p> <p>17 in any way. Given what happened to her child, I'm very</p> <p>18 confused as to how she is allowed to hold the position that</p> <p>19 she has now."</p> <p>20 Q. Okay, I'll stop there. [R.B.] is not [D.]'s</p> <p>21 father; is that correct?</p> <p>22 A. Right.</p> <p>23 Q. Did you give [R.B.] the information about [P.W.]</p> <p>24 that you just read that he wrote to Sue Deveney?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 49</p> <p>1 Q. What was it that you saw?</p> <p>2 A. I saw her grab my daughter by her arm and pick her</p> <p>3 up by her arm and shake her and yell at her.</p> <p>4 Q. Okay. And did you file a complaint?</p> <p>5 A. Yes.</p> <p>6 Q. Of child abuse? Who did you file it with?</p> <p>7 A. I tried to file it with Sue Deveney. She ignored</p> <p>8 me.</p> <p>9 Q. Did you call the Child Abuse Hotline and file a</p> <p>10 complaint?</p> <p>11 A. I think so, yes.</p> <p>12 Q. Do you know whether or not the complaint was ever</p> <p>13 investigated by DPW?</p> <p>14 A. Yes. I --</p> <p>15 Q. It was?</p> <p>16 A. No. Actually, no.</p> <p>17 Q. Okay. You don't know?</p> <p>18 A. I don't know.</p> <p>19 Q. Are you sure you filed the complaint?</p> <p>20 A. Yes. I filed it with Sue Deveney, Ann Biroscak,</p> <p>21 and Michael Kazmer.</p> <p>22 Q. And what date was this?</p> <p>23 A. I have no idea of the date.</p> <p>24 Q. Did you keep a note of it?</p> <p>25 A. No. But it would have been shortly after [M.] was</p>                             |

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| <p style="text-align: right;">Page 50</p> <p>1 born.</p> <p>2 Q. Where was it? Where did it happen?</p> <p>3 A. At Lovell Place.</p> <p>4 Q. Where was [P.]?</p> <p>5 A. She was there.</p> <p>6 Q. Was Abby there?</p> <p>7 A. No.</p> <p>8 Q. Who else was there?</p> <p>9 A. I believe [C.], [M.]'s grandmother was there, and</p> <p>10 also my two other kids.</p> <p>11 MR. ANGELONE: I'm sorry; I didn't hear that.</p> <p>12 MR. JOYAL: [C.], [M.]'s grandmother, and her</p> <p>13 other two kids.</p> <p>14 Q. Did you identify [C.B.] as a witness?</p> <p>15 A. I'm not even positive she was there.</p> <p>16 Q. Oh, okay.</p> <p>17 A. I'm just assuming she was.</p> <p>18 Q. What about the Project First Step person? Was she</p> <p>19 there?</p> <p>20 A. I don't think so. Not that I remember.</p> <p>21 Q. So what you're telling me, then, I think, is that</p> <p>22 if [C.B.] was not there, with the exception of the two other</p> <p>23 kids -- well, [M.] wouldn't have been there, would she? Or</p> <p>24 was she brought there?</p> <p>25 A. [M.] was there.</p>   | <p style="text-align: right;">Page 52</p> <p>1 Q. Well, let's just try to go through this. Okay?</p> <p>2 The baby was born on the 6th, right?</p> <p>3 A. Yes.</p> <p>4 Q. The baby had been the subject of a detention order</p> <p>5 signed by a Judge?</p> <p>6 A. Yes.</p> <p>7 Q. When was the baby released from the hospital?</p> <p>8 A. Probably the 7th or 8th.</p> <p>9 Q. Okay. So if it was the 8th, when were you</p> <p>10 released from the hospital?</p> <p>11 A. I was released the next day, because I had to go</p> <p>12 to the detention hearing. I was released on the --</p> <p>13 Q. The 7th?</p> <p>14 A. The 7th.</p> <p>15 Q. And the baby was then released the next day on the</p> <p>16 8th to [C.B.]'s custody.</p> <p>17 A. To [J.H.]'s custody.</p> <p>18 Q. Oh, a foster parent?</p> <p>19 A. [C.]'s cousin.</p> <p>20 Q. Was [J.H.] there when you were feeding [M.] on the</p> <p>21 8th?</p> <p>22 A. I don't think so.</p> <p>23 Q. So if I understand what you just told me, she's</p> <p>24 born on the 6th, she's released from the hospital on the</p> <p>25 8th. You're at Lovell Place for a visit with your other two</p>  |
| <p style="text-align: right;">Page 51</p> <p>1 Q. So [M.] was what? This was the 9th of July that</p> <p>2 [R.] wrote this letter, and the baby was born on the 3rd?</p> <p>3 A. The baby was born on the 6th.</p> <p>4 Q. 6th of July. So three days -- within three days</p> <p>5 or two days [M.] had been released from the hospital and was</p> <p>6 attending a visit with you at Lovell Place, being brought</p> <p>7 there by her grandmother?</p> <p>8 A. No, probably not.</p> <p>9 Q. Highly unlikely, isn't it?</p> <p>10 A. Yes.</p> <p>11 MR. McNAIR: Objection. Argumentative.</p> <p>12 Q. But it's highly unlikely.</p> <p>13 MR. McNAIR: Objection. Argumentative.</p> <p>14 Q. That she would have been there.</p> <p>15 A. Yes.</p> <p>16 Q. So, therefore, the only other person, unless there</p> <p>17 was a Project First Step person there or Abby Conley, the</p> <p>18 only other person that would have been there was you.</p> <p>19 A. Well, it was because of [M.], the reason why she</p> <p>20 grabbed [D.] and yelled at her. Because I was feeding [M.],</p> <p>21 so.</p> <p>22 Q. Well, you just told me, though, that that was a</p> <p>23 couple of days after the birth.</p> <p>24 A. I don't remember when that happened, but I know</p> <p>25 [M.] was there, because I was feeding her.</p> | <p style="text-align: right;">Page 53</p> <p>1 children. What time did your visits normally occur?</p> <p>2 A. I think around 1:00.</p> <p>3 Q. Around 1:00. So do you know what time the baby</p> <p>4 would have been released from the hospital?</p> <p>5 A. No, I don't.</p> <p>6 Q. So you don't even know whether the baby had been</p> <p>7 released at that point in time or not, right?</p> <p>8 A. No, I don't remember.</p> <p>9 Q. And if, indeed, you had been feeding [M.], then</p> <p>10 what would have happened was they would have released the</p> <p>11 baby and brought her directly to Lovell Place so that you</p> <p>12 could feed her?</p> <p>13 A. Yeah. It doesn't make sense.</p> <p>14 Q. Doesn't make sense, does it?</p> <p>15 A. I'm guessing maybe [R.] might have put the wrong</p> <p>16 date on here.</p> <p>17 Q. No, [R.] didn't put a date on here. [R.] put a</p> <p>18 date on the letter.</p> <p>19 A. That's what I mean.</p> <p>20 Q. Right.</p> <p>21 A. I don't know. It was because of [M.].</p> <p>22 Q. And this says, "I was also informed that [P.] was</p> <p>23 investigated for grabbing, shaking, and yelling at [D.]."</p> <p>24 Which means that he would have been talking about the</p> <p>25 original complaint, not the one that you say you saw.</p> |

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| <p style="text-align: right;">Page 54</p> <p>1 A. Yes.</p> <p>2 Q. Right?</p> <p>3 A. Yeah.</p> <p>4 Q. Because there's nothing in here that says, and</p> <p>5 yesterday or today or whatever, [V.] tells me that she also</p> <p>6 witnessed this happening, does it?</p> <p>7 A. No, I guess not.</p> <p>8 Q. So this is all about -- this is all about the</p> <p>9 information that you had been given by Abby Conley</p> <p>10 concerning [P.W.] that you gave to [R.].</p> <p>11 MR. McNAIR: Objection. Foundation.</p> <p>12 Q. Correct?</p> <p>13 MR. McNAIR: Misleads the record, as usual.</p> <p>14 Q. Correct?</p> <p>15 A. Could you repeat the question.</p> <p>16 Q. [R.]'s information that he was giving to Sue</p> <p>17 Deveney was just the stuff that you had given him about the</p> <p>18 complaint that had been filed by Abby Conley against [P.W.],</p> <p>19 right? Not anything about what you saw.</p> <p>20 A. Right.</p> <p>21 Q. Right? Since July 9th of 2004, have you had any</p> <p>22 conversations with Abby Conley?</p> <p>23 A. Yes.</p> <p>24 Q. When was the last time you spoke to Abby Conley</p> <p>25 before today?</p> | <p style="text-align: right;">Page 56</p> <p>1 Q. You did not go to Mr. McNair seeking legal advice,</p> <p>2 did you?</p> <p>3 A. No.</p> <p>4 Q. Did Mr. McNair ever tell you that you might not</p> <p>5 have to answer these questions because they were privileged</p> <p>6 between you and your lawyer?</p> <p>7 A. No.</p> <p>8 Q. No? Did you ever meet with Mr. Angelone?</p> <p>9 A. No.</p> <p>10 Q. Do you have a recollection of having spoken with</p> <p>11 Abby Conley about her case before the meeting that you had</p> <p>12 with her a couple weeks ago?</p> <p>13 A. No.</p> <p>14 Q. No? After she left OCY, did you and she have any</p> <p>15 conversation about her maybe trying to help you in getting</p> <p>16 back your children?</p> <p>17 A. I knew that she would be a -- she was going to be</p> <p>18 a witness for me.</p> <p>19 Q. Did she ever tell you that she didn't like [P.W.]</p> <p>20 or Sue Deveney?</p> <p>21 A. I got that impression. I don't think she ever</p> <p>22 came out and said it.</p> <p>23 Q. How did you get that impression?</p> <p>24 A. Because of -- I don't remember. I'm trying to</p> <p>25 think of exact facts, but I can't remember.</p> |
| <p style="text-align: right;">Page 55</p> <p>1 A. I have no idea.</p> <p>2 Q. Was it a week ago? Two weeks ago? A month ago?</p> <p>3 A. Maybe -- maybe two weeks.</p> <p>4 Q. Did you talk about -- did she call you --</p> <p>5 A. Yes.</p> <p>6 Q. -- or did you call her?</p> <p>7 A. I believe she called me.</p> <p>8 Q. And did you talk about her case?</p> <p>9 A. Not really. She gave me Mr. McNair's phone</p> <p>10 number.</p> <p>11 Q. And asked you to contact Mr. McNair?</p> <p>12 A. Yes.</p> <p>13 Q. Did you contact Mr. McNair?</p> <p>14 A. Yes.</p> <p>15 Q. Did you speak to him about your deposition</p> <p>16 testimony?</p> <p>17 A. Yes.</p> <p>18 Q. What did you and he talk about?</p> <p>19 A. He just asked me some of the similar questions</p> <p>20 that you asked me.</p> <p>21 Q. And did you give him similar answers?</p> <p>22 A. Yes.</p> <p>23 Q. You and Mr. McNair were not -- you didn't retain</p> <p>24 Mr. McNair to represent you in anything ongoing, did you?</p> <p>25 A. No.</p>   | <p style="text-align: right;">Page 57</p> <p>1 Q. Did Deanna Cosby ever tell you that she didn't</p> <p>2 like any of these folks?</p> <p>3 A. No.</p> <p>4 Q. When Deanna Cosby was the worker on your case, did</p> <p>5 she ever drop your children off and leave?</p> <p>6 A. Yes.</p> <p>7 Q. So that you could have unsupervised visitation</p> <p>8 with them?</p> <p>9 A. Yes.</p> <p>10 Q. During that period of time, all your visitation</p> <p>11 with the children was supposed to be supervised; is that</p> <p>12 right?</p> <p>13 A. I didn't think it was.</p> <p>14 Q. Well, did you ever see the order?</p> <p>15 A. Not saying my visits were to be supervised, no.</p> <p>16 Q. Were they with the foster family?</p> <p>17 A. Yes.</p> <p>18 Q. And she picked them up from the foster home and</p> <p>19 would bring them to you and drop them off and then leave?</p> <p>20 A. Yes.</p> <p>21 Q. During that period of time, were there ever any</p> <p>22 visits that you had that Deanna Cosby attended while at the</p> <p>23 foster home?</p> <p>24 A. Yes.</p> <p>25 Q. She was there?</p>  |

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| <p style="text-align: right;">Page 58</p> <p>1 A. She -- when I had a visit -- a couple, two, I</p> <p>2 think maybe three at the OCY office, and she was on the</p> <p>3 other side of a one-way mirror.</p> <p>4 Q. Watching.</p> <p>5 A. Or two-way mirror. Yes.</p> <p>6 Q. Okay. And did you ever hear of the foster mother</p> <p>7 calling OCY to say that Deanna Cosby was violating the plan</p> <p>8 by picking the children up and taking them to you?</p> <p>9 A. Hum-um.</p> <p>10 Q. Did Deanna Cosby ever tell you that?</p> <p>11 A. No. Actually, I think that -- I think there was a</p> <p>12 Court Order that said one per month is supposed to be</p> <p>13 supervised or something.</p> <p>14 Q. And you were getting how many?</p> <p>15 A. I was getting --</p> <p>16 Q. Every weekend?</p> <p>17 A. One a week, I believe.</p> <p>18 Q. She would pick the kids up on a weekend?</p> <p>19 A. No, on a weekday.</p> <p>20 Q. On a weekday, and drop them off.</p> <p>21 A. Yes.</p> <p>22 (Discussion held off the record.)</p> <p>23 MR. JOYAL: I don't have any other questions.</p> <p>24 Thanks, Miss [W.]. Mr. Lanzillo or Mr. McNair may</p> <p>25 have a few questions for you.</p>   | <p style="text-align: right;">Page 60</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Other than Abby Conley, can you think of any other</p> <p>4 person who would have identified who made the complaint</p> <p>5 regarding [P.W.]?</p> <p>6 A. What do you mean, who would have identified?</p> <p>7 Q. Can you think of any person who would have told</p> <p>8 you, as of the date that you authored Exhibit 4, your</p> <p>9 letter, any other source of information whereby you would</p> <p>10 have come to know that it was, in fact, Abby Conley who had</p> <p>11 filed the complaint, other than Abby herself?</p> <p>12 A. No.</p> <p>13 Q. I mean, in your mind, there simply is no one other</p> <p>14 than Abby Conley who could have provided you with that</p> <p>15 information, is there?</p> <p>16 MR. McNAIR: It's argumentative.</p> <p>17 A. Not that I can remember, no.</p> <p>18 Q. And as I understand your testimony -- and please</p> <p>19 correct me if I'm wrong. But you do recall that Deanna</p> <p>20 Cosby told you that your child was going to be detained upon</p> <p>21 her birth. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. All right. And did Ms. Cosby tell you how she</p> <p>24 knew that?</p> <p>25 A. I guess she didn't know for sure, because the rest</p> |
| <p style="text-align: right;">Page 59</p> <p>1 CROSS-EXAMINATION</p> <p>2 BY MR. LANZILLO:</p> <p>3</p> <p>4 Q. I have a few follow-up. My name is Rich Lanzillo,</p> <p>5 and I represent the County of Erie.</p> <p>6 In response to Mr. Joyal's questions, he had shown</p> <p>7 you an exhibit which I believe he marked as Exhibit 4, which</p> <p>8 is one of your letters. I believe it's also Conley Exhibit</p> <p>9 17. If you have that, that would be helpful, but if not, I</p> <p>10 think I can summarize it.</p> <p>11 That's the letter where you recited that Abby</p> <p>12 Conley told you that she was hoping you saw [P.] grab [D.]</p> <p>13 so that she would not be the only witness. Do you see that</p> <p>14 in the highlighted portion of the letter?</p> <p>15 A. Yes.</p> <p>16 Q. And you go on to say that you were glad that Abby</p> <p>17 had filed a complaint.</p> <p>18 A. Yes.</p> <p>19 Q. All right. And you understood that to be a</p> <p>20 complaint to the Department of Public Welfare through the</p> <p>21 Child Line?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And you now understand, I think, that the</p> <p>24 letter that you would have received from DPW would not have</p> <p>25 identified the complainant as Abby Conley or anyone else,</p> | <p style="text-align: right;">Page 61</p> <p>1 of her information wasn't accurate.</p> <p>2 Q. Well --</p> <p>3 A. She told me the baby was going to be detained and</p> <p>4 put into a foster home. It was detained, but it wasn't put</p> <p>5 into a foster home.</p> <p>6 Q. Did she tell you that she wanted you to know that?</p> <p>7 A. That she wanted me to know that?</p> <p>8 Q. Um-hum.</p> <p>9 A. No. She just told me. So she must have wanted me</p> <p>10 to know.</p> <p>11 Q. Okay. And, again, did she call you, or did you</p> <p>12 call her?</p> <p>13 A. Deanna?</p> <p>14 Q. Yes.</p> <p>15 A. I think originally I called her, but she called me</p> <p>16 back. I talked to her a couple times.</p> <p>17 Q. And how did you get Deanna's number?</p> <p>18 A. She was my caseworker. So when she moved, she</p> <p>19 kept her same cell phone number.</p> <p>20 Q. Is that how you contacted her, via her cell phone?</p> <p>21 A. Yes.</p> <p>22 Q. And during your conversations with Deanna Cosby,</p> <p>23 did she talk about Abby Conley?</p> <p>24 A. I don't remember any specific conversations about</p> <p>25 Abby.</p>   |



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1 Q. Did you have any understanding at the time  
2 concerning the extent to which Abby Conley and Ms. Cosby  
3 were communicating? I mean, you were aware, were you not,  
4 that they were communicating?

5 A. Yes.

6 Q. Okay. And am I correct that you knew that based  
7 upon what Abby had been telling you and based upon what  
8 Ms. Cosby had been telling you?

9 A. Yeah, I believe so.

10 Q. Okay. Now, Mr. Joyal asked you some questions  
11 regarding statements that Amy Jones had made to you,  
12 specifically regarding the death of [P.W.]'s son.

13 A. (Witness nods head.)

14 Q. Do you recall that?

15 A. What was the first part of your question?

16 Q. Sure. You recall Mr. Joyal -- he asked you some  
17 questions.

18 A. Yeah.

19 Q. And in response to your questions, you had  
20 identified Amy Jones as the source of the information  
21 recited in one of your letters regarding the death of  
22 [P.W.]'s son.

23 A. Yes.

24 Q. Do you recall that?

25 A. (Witness nods head.)

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1 Q. All right. And you told us that the statement  
2 regarding the death of [P.W.]'s son did not relate to  
3 Ms. Jones' preparation of your case, the matter she was  
4 working on for you. Is that right?

5 A. Not directly. Not very much.

6 Q. It was extraneous to whatever was going on in your  
7 case. Is that a fair statement?

8 A. Yeah.

9 Q. Did Amy Jones tell you the source of that  
10 information, as far as where she -- how she came to know  
11 about [P.W.] -- the death of [P.W.]'s son?

12 MS. SCARPITTI: Objection. Attorney/client  
13 privilege.

14 MR. LANZILLO: As I understand the witness'  
15 testimony, this didn't relate to the  
16 representation.

17 MS. SCARPITTI: But her source may have.

18 MR. LANZILLO: Are you instructing her not to  
19 answer?

20 MS. SCARPITTI: Yes, I'm instructing her not to  
21 answer.

22 BY MR. LANZILLO:

23 Q. How often, in the time frame of, let's say, May  
24 and June of 2004, how often did you have contact with Abby  
25 Conley?

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1 A. If she was still supervising my visits, then  
2 probably twice a week.

3 Q. Outside of the scheduled contacts, did you have  
4 any other interaction with her?

5 A. I don't know if it was during that time, but I  
6 talked to her on the phone a few times.

7 Q. How often did you talk to Abby Conley on the  
8 phone?

9 A. Maybe three times, four times.

10 Q. And would she talk to you from her office at OCY,  
11 from home, on her cell phone?

12 A. I don't know where she talked to me from.

13 Q. Did you have a contact number to reach her, like  
14 you had for Deanna Cosby?

15 A. I think so. I'm not sure.

16 Q. How often -- or on how many occasions did you have  
17 conversations with Deanna Cosby after she left OCY?

18 A. Probably -- I would say maybe like twice as many  
19 as with Abby. Maybe once or twice a week.

20 Q. And when did those start?

21 A. I don't know. I think I talked to her the whole  
22 time, ever since she left my case, because my new caseworker  
23 I got wasn't servicing me, so I had no caseworker, you might  
24 as well say, so I just kept talking to her, even though she  
25 was out of town.

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1 Q. Do you recall telling Abby Conley that you  
2 wanted -- you wanted Deanna Cosby to call you?

3 A. No. I told Abby Conley that I wanted Deanna to  
4 call my lawyer, and I gave her my lawyer's card. But I had  
5 Deanna's number, so I would have phoned her myself.

6 Q. What was your phone number back in May of 2004?

7 A. I have no idea.

8 Q. The phone number 814-868-8541, do you recognize  
9 that number?

10 A. That's Amy Jones' number.

11 Q. Is that Amy Jones'?

12 A. (Witness nods head.)

13 Q. And why did you want Deanna Cosby to call Amy  
14 Jones?

15 MS. SCARPITTI: Objection. Those are  
16 attorney/client privilege, and I'm instructing her  
17 not to answer.

18 MR. LANZILLO: Well, wait a minute. Let me just  
19 follow up here.

20 Q. I mean, this is a communication you made to Abby  
21 Conley, right? You told Abby Conley that you wanted Deanna  
22 Cosby to call Amy Jones.

23 A. That my attorney wanted -- my attorney wanted  
24 Deanna to call her.

25 Q. I guess I'm trying to understand why it is that

17 (Pages 62 to 65)



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| <p style="text-align: right;">Page 66</p> <p>1 you are conveying this information through Abby Conley, if</p> <p>2 you had Deanna's telephone number and presumably have</p> <p>3 forwarded it to your attorney? There's no reason you could</p> <p>4 not have given that number to your counsel, was there?</p> <p>5 A. No. I think just because my counsel wanted them</p> <p>6 to call her.</p> <p>7 Q. And why is it that you didn't call Deanna and ask</p> <p>8 her to call your lawyer?</p> <p>9 A. Because I think I probably assumed that Abby would</p> <p>10 be talking to her anyway. Also, I wanted to give Abby the</p> <p>11 card.</p> <p>12 Q. You wanted to what?</p> <p>13 A. I wanted Abby to have her number. Because my</p> <p>14 lawyer wanted to speak with Abby too.</p> <p>15 Q. So your lawyer wanted to speak with Abby as well.</p> <p>16 A. Yes.</p> <p>17 Q. And did you ask Abby to speak with your lawyer?</p> <p>18 MS. SCARPITTI: Objection. Attorney/client</p> <p>19 privilege, and I'm instructing her not to answer.</p> <p>20 MR. LANZILLO: I would encourage you to reconsider</p> <p>21 that. I'm asking what she told Abby Conley.</p> <p>22 Q. Did you tell Abby Conley that you would like her</p> <p>23 to call your lawyer?</p> <p>24 A. That, I don't remember. At the time it was mainly</p> <p>25 she wanted to talk to Deanna. But I know she wanted to talk</p> | <p style="text-align: right;">Page 68</p> <p>1 You know, I am not asking for any attorney</p> <p>2 mental impressions or memos or anyone else. But</p> <p>3 you cannot shield the underlying information with</p> <p>4 a work product privilege.</p> <p>5 MR. ANGELONE: Attorney/client privilege.</p> <p>6 MR. LANZILLO: That exploded the minute that</p> <p>7 Miss Conley stepped into the room.</p> <p>8 MR. McNAIR: Absolutely not.</p> <p>9 MR. JOYAL: Yes, it did.</p> <p>10 MS. SCARPITTI: No, it didn't.</p> <p>11 MR. LANZILLO: Let me inquire. Was Ms. Conley</p> <p>12 Attorney Jones' client?</p> <p>13 MS. SCARPITTI: No, but Attorney Jones was talking</p> <p>14 to Miss Conley in order to prepare for her</p> <p>15 client's case. Unless Miss Conley then</p> <p>16 subsequently testified, her testimony would be</p> <p>17 admissible, but anything that she had told Miss</p> <p>18 Jones in regards to Miss Jones' representation of</p> <p>19 [V.] is attorney/client privilege and</p> <p>20 attorney/client work product.</p> <p>21 MR. LANZILLO: As soon as counsel allows a third</p> <p>22 party in the room with a client, the</p> <p>23 attorney/client privilege is gone. I don't want</p> <p>24 to be argumentative, but I think every lawyer in</p> <p>25 the room knows that. I can guarantee you that</p> |
| <p style="text-align: right;">Page 67</p> <p>1 to Abby too.</p> <p>2 Q. Did Abby tell you that she would talk to your</p> <p>3 lawyer?</p> <p>4 A. Maybe not come out and exactly say it, but I got</p> <p>5 that impression.</p> <p>6 Q. You understood that she was willing to do that.</p> <p>7 A. Yeah.</p> <p>8 Q. Did Abby ever tell you that she spoke with your</p> <p>9 lawyer?</p> <p>10 A. No. Not until the one time I knew for sure that</p> <p>11 she did.</p> <p>12 Q. What did Abby tell you about that?</p> <p>13 A. Well, my lawyer called her in for a -- like an</p> <p>14 interview kind of thing, and I was there. So she didn't</p> <p>15 have to tell me.</p> <p>16 Q. You were present for that.</p> <p>17 A. Yeah.</p> <p>18 Q. What was said during that meeting?</p> <p>19 MS. SCARPITTI: Objection. Goes to</p> <p>20 attorney/client privilege. It's attorney work</p> <p>21 product.</p> <p>22 MR. LANZILLO: That's not -- no. You know, I have</p> <p>23 been thinking about this work product privilege,</p> <p>24 and statements made by third parties are not work</p> <p>25 product. They are not evidence.</p>  | <p style="text-align: right;">Page 69</p> <p>1 Judge McLaughlin knows that. Do you really want</p> <p>2 to press that position? I will back off if you</p> <p>3 tell me you do, but I don't believe you can hold</p> <p>4 that information in good faith. I'll ask the</p> <p>5 question again.</p> <p>6 BY MR. LANZILLO:</p> <p>7 Q. What was said during that meeting where Abby</p> <p>8 Conley was present with you and Amy Jones?</p> <p>9 MS. SCARPITTI: I'm going to object again and</p> <p>10 instruct her not to answer.</p> <p>11 MR. LANZILLO: Based on the attorney/client</p> <p>12 privilege?</p> <p>13 MS. SCARPITTI: Yes.</p> <p>14 MR. JOYAL: Let's call him now, Rich, because we</p> <p>15 need to get this done today, based on the</p> <p>16 deadlines for summary judgment. And</p> <p>17 Miss Scarpitti can make her argument to the Court.</p> <p>18 (Discussion held off the record.)</p> <p>19 (The following discussion was held on the record</p> <p>20 with Judge McLaughlin.)</p> <p>21 THE COURT: All right. This is the Judge. What's</p> <p>22 going on?</p> <p>23 MR. LANZILLO: Judge, this is Rich Lanzillo</p> <p>24 calling in the Abby Conley case. I'm representing</p> <p>25 the County of Erie. Counsel for all of the</p>  |

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| <p style="text-align: right;">Page 70</p> <p>1 parties are present in my conference room for the</p> <p>2 deposition of [V.W.]. Ms. [W.] is separately</p> <p>3 represented by Alison Scarpitti, and we have an</p> <p>4 objection and an instruction not to answer a</p> <p>5 series of questions based upon the attorney/client</p> <p>6 privilege.</p> <p>7 THE COURT: Who is [V.W.]?</p> <p>8 MR. LANZILLO: She was a client of OCY. In a</p> <p>9 nutshell, Judge, she's important, very important</p> <p>10 to the defense of the case because this -- she's</p> <p>11 the witness who closes the loop whereby we will</p> <p>12 establish that Ms. Conley repeatedly leaked</p> <p>13 confidential information regarding confidential</p> <p>14 cases and pending cases through other third</p> <p>15 parties, with the intention that that information</p> <p>16 get back to opposing parties and their counsel.</p> <p>17 Ms. [W.] is the witness who closes that loop for</p> <p>18 us.</p> <p>19 The questions I am asking relate to a meeting</p> <p>20 between -- or among the Plaintiff, Abby Conley,</p> <p>21 and Ms. [W.] and her then attorney, Amy Jones.</p> <p>22 Ms. Scarpitti has invoked the attorney/client</p> <p>23 privilege, saying that the information that</p> <p>24 Ms. Conley was providing to Ms. [W.] in connection</p> <p>25 with pending OCY cases is somehow protected by the</p> | <p style="text-align: right;">Page 72</p> <p>1 another hearing scheduled on it next week.</p> <p>2 Ms. [W.] was involved with OCY. She's now in the</p> <p>3 middle of involuntary termination procedures.</p> <p>4 Ms. Jones represented her up through that during</p> <p>5 the permanency hearings, the detention orders, all</p> <p>6 of that. So it's my understanding that at that</p> <p>7 time they were, I believe, given the time period,</p> <p>8 preparing for either the -- another permanency</p> <p>9 hearing, or they were preparing for the change of</p> <p>10 goal hearing.</p> <p>11 THE COURT: All right. Well, in any event, here</p> <p>12 is my ruling: Just so we have the procedural cart</p> <p>13 behind the horse here, I take it, then,</p> <p>14 Miss Scarpitti, that -- well, Mr. Lanzillo, this</p> <p>15 is coming on by way of motion to compel testimony?</p> <p>16 Is that it?</p> <p>17 MR. LANZILLO: Well, yes, Your Honor. We're</p> <p>18 raising it here in the deposition so as not to</p> <p>19 have to trouble the Court with a paper motion.</p> <p>20 THE COURT: All right. The motion is granted.</p> <p>21 Number one, I see no attorney/client privilege,</p> <p>22 given the circumstances surrounding the interview.</p> <p>23 Number two, I see no violation of work product</p> <p>24 doctrine because -- for the simple reason that</p> <p>25 Miss Jones' attorney's notes, documents, mental</p> |
| <p style="text-align: right;">Page 71</p> <p>1 attorney/client privilege. I take the position --</p> <p>2 THE COURT: Well, there's a third -- how can that</p> <p>3 be if there's a third party there?</p> <p>4 MR. LANZILLO: That's my -- that's my point, Your</p> <p>5 Honor. And I don't want to speak for</p> <p>6 Ms. Scarpitti. Maybe she could explain her</p> <p>7 position.</p> <p>8 THE COURT: What's your position, Ms. Scarpitti?</p> <p>9 MS. SCARPITTI: Your Honor, my position is that</p> <p>10 because at the time it appears that Attorney Jones</p> <p>11 was interviewing Miss Conley with regard to her</p> <p>12 being a potential witness in the case, that that's</p> <p>13 attorney work product and that that would be</p> <p>14 confidential. We're not claiming that statements</p> <p>15 made -- that all statements made to Miss [W.] from</p> <p>16 Abby Conley are confidential; simply those that</p> <p>17 were stated while she was being interviewed by</p> <p>18 Ms. [W.]'s then attorney.</p> <p>19 THE COURT: You're going to have to set the stage</p> <p>20 for me a little more clearly here. What</p> <p>21 litigation was Ms. Jones involved in that</p> <p>22 necessitated -- or anticipated litigation that</p> <p>23 necessitated these interviews?</p> <p>24 MS. SCARPITTI: Your Honor, at the time -- and,</p> <p>25 actually, this is an ongoing case. We have</p>    | <p style="text-align: right;">Page 73</p> <p>1 impressions, et cetera, are not being requested or</p> <p>2 asked to be divulged here. Rather, it's the</p> <p>3 independent testimony of this witness. So the</p> <p>4 motion to compel is granted, and I find the basis</p> <p>5 for directing the client not to answer not</p> <p>6 well-founded.</p> <p>7 Anything else?</p> <p>8 MR. LANZILLO: Yes, Judge, if we may -- and this</p> <p>9 will likely save a paper motion in a couple of</p> <p>10 days. The precise same objections were raised and</p> <p>11 instructions given during the deposition of Amy</p> <p>12 Jones concerning the same topics. If counsel is</p> <p>13 agreeable, I would like to raise that with the</p> <p>14 Court now. We had contemplated getting a</p> <p>15 transcript from that deposition and forwarding to</p> <p>16 the Court, but perhaps we can resolve it here. I</p> <p>17 don't believe there is any difference in the</p> <p>18 objections raised in that deposition.</p> <p>19 MR. McNAIR: Well, I don't know. But,</p> <p>20 Miss Scarpitti, is there -- is there a difference?</p> <p>21 MS. SCARPITTI: Your Honor, I'm not sure. I was</p> <p>22 not at that deposition. And I understand that now</p> <p>23 Miss Jones -- she isn't here today, obviously, and</p> <p>24 she does have counsel. I would --</p> <p>25 THE COURT: Who is her counsel?</p>  |

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| <p style="text-align: right;">Page 74</p> <p>1 MS. SCARPITTI: Phil Friedman, Your Honor.</p> <p>2 THE COURT: Well, I can't resolve that today, Mr.</p> <p>3 Lanzillo, in the absence of Mr. Friedman. I</p> <p>4 presume he was the one who raised the objection.</p> <p>5 MR. LANZILLO: He wasn't present, Your Honor, but</p> <p>6 I understand. We'll raise that by other means.</p> <p>7 THE COURT: At another time when everybody who</p> <p>8 needs to be around the table is there. All right.</p> <p>9 MR. LANZILLO: Thank you, Judge.</p> <p>10 MS. SCARPITTI: Thank you, Judge.</p> <p>11 (End of discussion with Judge McLaughlin.)</p> <p>12 BY MR. LANZILLO:</p> <p>13 Q. Let me go back to my last line of questioning,</p> <p>14 Ms. [W.] and ask you, first of all, why was Ms. Conley</p> <p>15 sitting in an interview with you and your lawyer? What is</p> <p>16 your understanding?</p> <p>17 A. It was in preparation for a trial that I had</p> <p>18 coming up.</p> <p>19 Q. Which trial?</p> <p>20 A. Probably a permanency hearing. I'm not positive.</p> <p>21 Q. And did you understand that Ms. Conley -- or was</p> <p>22 it your belief that Ms. Conley had information that you and</p> <p>23 your attorney could use to further or improve your position</p> <p>24 in that trial?</p> <p>25 A. Yeah, by her testimony.</p> | <p style="text-align: right;">Page 76</p> <p>1 A. Yes. Yes.</p> <p>2 Q. Okay. She did tell you that. She told your</p> <p>3 attorney that too, did she not?</p> <p>4 A. She told my attorney.</p> <p>5 Q. And did you talk about the detention of your</p> <p>6 unborn child upon -- the anticipated detention of your</p> <p>7 unborn child?</p> <p>8 A. Not that I recall. I talked to my lawyer about</p> <p>9 it, but I don't think with her there. I don't think with</p> <p>10 Abby there.</p> <p>11 Q. Do you remember how long your meeting with your</p> <p>12 lawyer and Ms. Conley went?</p> <p>13 A. Probably about 45 minutes to an hour.</p> <p>14 Q. Did you talk about [P.W.]?</p> <p>15 A. Probably. At least indirectly, because she was my</p> <p>16 caseworker at the time.</p> <p>17 Q. Did Miss Conley make any comments about Ms. [W.]?</p> <p>18 A. I don't think so. Not that I recall.</p> <p>19 Q. Did Ms. Conley ever make any statement to you at</p> <p>20 any time, not just during that meeting, regarding her views</p> <p>21 of Ms. [W.] in terms of her -- you know, her spirituality or</p> <p>22 her religion?</p> <p>23 A. No.</p> <p>24 Q. Did she ever characterize her as satanic or</p> <p>25 anything like that?</p> |
| <p style="text-align: right;">Page 75</p> <p>1 Q. All right. And that that meeting was in part to</p> <p>2 prepare Ms. Conley for her deposition -- I mean, for her</p> <p>3 testimony at trial?</p> <p>4 A. Yes.</p> <p>5 Q. All right. And to obtain from her whatever</p> <p>6 information she might have that would be useful to you and</p> <p>7 your attorney. Correct?</p> <p>8 A. Yes.</p> <p>9 Q. And so you sat down with Attorney Jones and</p> <p>10 Ms. Conley, and she provided you with information. Can you</p> <p>11 tell me what she told you and Ms. Jones.</p> <p>12 A. She was just asked questions by my attorney, such</p> <p>13 as how the visits went, if -- basically like if I was good</p> <p>14 with my kids, things like that.</p> <p>15 Q. All right. And what did Ms. Conley say?</p> <p>16 A. She was very positive and said I was good with my</p> <p>17 kids.</p> <p>18 Q. Did she express any views concerning OCY's</p> <p>19 objectives, their -- their belief -- its belief -- the</p> <p>20 belief of the agency that it was necessary that the agency</p> <p>21 proceed with the dependency proceedings with respect to your</p> <p>22 children?</p> <p>23 A. No.</p> <p>24 Q. She didn't tell you that she disagreed with the</p> <p>25 agency?</p>   | <p style="text-align: right;">Page 77</p> <p>1 A. No.</p> <p>2 MR. McNAIR: Objection. There is's no foundation</p> <p>3 for that.</p> <p>4 Q. Demonic?</p> <p>5 MR. McNAIR: There you go.</p> <p>6 MR. LANZILLO: Is that better?</p> <p>7 MR. McNAIR: It's just not accurate.</p> <p>8 A. I don't think so. It may have been something I</p> <p>9 would have said. I don't remember her saying anything like</p> <p>10 that or hearing anything like that.</p> <p>11 Q. Now, the death of Ms. [W.]'s son, did that come up</p> <p>12 during the meeting?</p> <p>13 A. Not that I remember. I don't think so.</p> <p>14 Q. Do you remember when you learned about that?</p> <p>15 A. No. All that I remember is it was while I had</p> <p>16 retained Amy for an attorney.</p> <p>17 Q. So you're in this meeting for 45 minutes,</p> <p>18 approximately. What else was discussed?</p> <p>19 A. I don't remember. It was pretty much the same</p> <p>20 questions that were asked in court, that would have been</p> <p>21 asked in court. Like just in preparation for the hearing.</p> <p>22 Q. Did you talk about the case reports that</p> <p>23 Ms. Conley had? The summaries?</p> <p>24 A. Yeah, I think -- yes.</p> <p>25 Q. Did you go over those?</p>  |

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| <p style="text-align: right;">Page 78</p> <p>1 A. Yes.</p> <p>2 Q. Did Ms. Conley tell you whether she was meeting</p> <p>3 with your counsel with -- with permission from the Office of</p> <p>4 Children and Youth?</p> <p>5 MR. McNAIR: Objection. Irrelevant.</p> <p>6 A. No. She didn't tell me.</p> <p>7 Q. She didn't mention that. Was there any discussion</p> <p>8 by Ms. Jones concerning whether this represented an ex parte</p> <p>9 communication? You don't know what that is, do you?</p> <p>10 A. No.</p> <p>11 Q. That's not fair. Was there any discussion with</p> <p>12 Ms. Jones regarding whether it was permissible or</p> <p>13 appropriate for this meeting to be taking place?</p> <p>14 A. Huh-uh.</p> <p>15 Q. That didn't come up?</p> <p>16 A. No. Something was brought up about stolen</p> <p>17 subpoenas or something like that.</p> <p>18 Q. What was that? Who brought that up?</p> <p>19 A. I mean, I don't know. It was brought up --</p> <p>20 something about that Office of Children and Youth has been</p> <p>21 known to steal subpoenas.</p> <p>22 Q. And did Ms. Conley tell you that?</p> <p>23 A. Yeah. I don't think it was to me. It was -- it</p> <p>24 was to my lawyer.</p> <p>25 Q. Miss Conley told you --</p>  | <p style="text-align: right;">Page 80</p> <p>1 A. Right.</p> <p>2 Q. Give me your best recollection as to what</p> <p>3 Ms. Conley said about these stolen subpoenas.</p> <p>4 MR. ANGELONE: I'm going to object. I think it's</p> <p>5 mischaracterizing what she said.</p> <p>6 MR. LANZILLO: Well, she can correct --</p> <p>7 MR. ANGELONE: She just remembers it coming up, I</p> <p>8 thought she had said. She doesn't remember who.</p> <p>9 A. Yeah, I don't remember if it was --</p> <p>10 MR. LANZILLO: See, that's the problem I have with</p> <p>11 speaking objections.</p> <p>12 MR. ANGELONE: I apologize.</p> <p>13 MR. McNAIR: We'll be happy to talk about stolen</p> <p>14 subpoenas.</p> <p>15 MR. LANZILLO: Yeah. Actually, I'd like to hear</p> <p>16 it from the witness. I'm asking -- I understood</p> <p>17 her testimony earlier to have been that Ms. Conley</p> <p>18 told her lawyer about -- in her presence, told her</p> <p>19 lawyer about subpoenas being stolen by OCY, is</p> <p>20 what I understood. And, you know, with the</p> <p>21 objection phrased as it was, the testimony is</p> <p>22 changing a little bit, but I'm going to ask the</p> <p>23 question again.</p> <p>24 BY MR. LANZILLO:</p> <p>25 Q. What do you remember Ms. Conley saying about these</p> |
| <p style="text-align: right;">Page 79</p> <p>1 A. I don't remember much about the details.</p> <p>2 Q. But you do remember Ms. Conley telling your lawyer</p> <p>3 that there had been a problem with subpoenas being stolen by</p> <p>4 or at OCY?</p> <p>5 A. I don't -- yeah. I don't remember if it was --</p> <p>6 who was telling who. But I remember that was an issue.</p> <p>7 Q. Do you have an understanding as to how your lawyer</p> <p>8 came to understand Attorney Conley's views concerning your</p> <p>9 case?</p> <p>10 MR. McNAIR: Who is Attorney Conley?</p> <p>11 Q. I'm sorry. How Abby Conley -- strike that. I'll</p> <p>12 start over.</p> <p>13 Do you have any understanding as to how your</p> <p>14 attorney, Amy Jones, came to understand Ms. Conley's views</p> <p>15 regarding the case?</p> <p>16 A. Probably just by talking with her or being with</p> <p>17 her. I'm not sure.</p> <p>18 Q. Did your attorney, Ms. Jones, meet with anyone</p> <p>19 else from OCY, other than Ms. Conley?</p> <p>20 A. She spoke with Deanna over the phone. That was</p> <p>21 because it was after she moved. I believe she met with --</p> <p>22 oh, she met with Lisa Kopycinski from Project First. And I</p> <p>23 believe she met with Lisa Babo from CVS.</p> <p>24 Q. But no other OCY personnel other than Ms. Conley.</p> <p>25 Is that right?</p> | <p style="text-align: right;">Page 81</p> <p>1 stolen subpoenas?</p> <p>2 A. I don't remember Abby saying anything about the</p> <p>3 stolen subpoenas. I remember that it involved her like it</p> <p>4 was one of her subpoenas that had been stolen, or something</p> <p>5 to that effect.</p> <p>6 Q. Well, but Abby was talking -- Abby was the one who</p> <p>7 was sharing the information, wasn't she?</p> <p>8 A. I think so. I don't remember exactly. I remember</p> <p>9 my lawyer had to -- said something to me about having to</p> <p>10 mail Abby's subpoena to her house or somewhere else, because</p> <p>11 before it's happened that her supervisor has stolen a</p> <p>12 subpoena.</p> <p>13 Q. Did you have e-mail at the time?</p> <p>14 A. No.</p> <p>15 Q. Did you ever call Deanna Cosby's cell phone to</p> <p>16 talk to her?</p> <p>17 A. Yes.</p> <p>18 Q. And she would call you as well, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And when you would call Deanna Cosby, from where</p> <p>21 would you call her?</p> <p>22 A. From my -- I believe my cell phone. I don't</p> <p>23 believe I had a house phone at the time.</p> <p>24 Q. Do you still have that same cell phone?</p> <p>25 A. No.</p>   |



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| <p style="text-align: right;">Page 82</p> <p>1 Q. Who was your cell service at the time?</p> <p>2 A. I think Cellular One. It was -- no, T-Mobile.</p> <p>3 Q. T-Mobile?</p> <p>4 A. Yes.</p> <p>5 Q. And was the cell account in your name?</p> <p>6 A. Yes.</p> <p>7 Q. Did you call Abby Conley from that phone?</p> <p>8 A. Yes. That's if I didn't have a house phone at the</p> <p>9 time. I don't think I did. I could be mistaken.</p> <p>10 Q. And is that the number that Deanna Cosby and</p> <p>11 Miss Conley would use to contact you as well?</p> <p>12 A. Yeah.</p> <p>13 Q. That seems logical, if you didn't have a house</p> <p>14 phone at the time.</p> <p>15 A. Yes.</p> <p>16 MR. LANZILLO: Thank you, Miss [W.].</p> <p>17</p> <p>18 CROSS-EXAMINATION</p> <p>19 BY MR. McNAIR:</p> <p>20</p> <p>21 Q. Ms. [W.], first of all, you said that you received</p> <p>22 some information from Deanna Cosby about a detention order.</p> <p>23 A. Yes.</p> <p>24 Q. Was that information accurate?</p> <p>25 A. No.</p>   | <p style="text-align: right;">Page 84</p> <p>1 [R.]?</p> <p>2 A. No.</p> <p>3 MR. JOYAL: Objection.</p> <p>4 Q. Do you know how the Office of Children and Youth</p> <p>5 came into possession of the letters that Mr. Joyal has shown</p> <p>6 you today?</p> <p>7 A. No. They must have asked him for them, and he</p> <p>8 must have just sent them.</p> <p>9 Q. Did you talk to [R.]?</p> <p>10 A. No.</p> <p>11 Q. Okay. So you haven't talked to [R.]?</p> <p>12 A. No.</p> <p>13 Q. Did you yourself -- well, first of all, there was</p> <p>14 some discussion between you and Abby about an incident Abby</p> <p>15 witnessed where [P.W.] grabbed your daughter [D.] by the</p> <p>16 face and shook it and yelled at her.</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And you didn't -- did you witness that</p> <p>19 incident?</p> <p>20 A. Not that incident, no.</p> <p>21 Q. Did you ever witness an incident where [P.W.]</p> <p>22 inappropriately handled your daughter?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And do you recall about when that was?</p> <p>25 A. Right after -- sometime in July of '04.</p>  |
| <p style="text-align: right;">Page 83</p> <p>1 Q. Was the information that she related to you the</p> <p>2 same information that was on the detention order?</p> <p>3 A. No.</p> <p>4 Q. What did the detention order say when you finally</p> <p>5 saw it?</p> <p>6 A. It was dated way back to before [P.W.] even told</p> <p>7 me to do certain things to prevent it. And it was that the</p> <p>8 custody was going to go to the grandmother. Deanna said it</p> <p>9 would go to a foster parent.</p> <p>10 Q. To [R.]'s mother?</p> <p>11 A. Yes.</p> <p>12 Q. And did you agree to have the baby go to [R.]'s</p> <p>13 mother?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And had you told that to [P.]?</p> <p>16 A. Yes.</p> <p>17 Q. And had you told that to anybody else at OCY?</p> <p>18 A. I think [P.] was the only one I ever directly</p> <p>19 spoke with.</p> <p>20 Q. Okay. Did you ever threaten to leave town to have</p> <p>21 your baby because of a detention order that would place your</p> <p>22 daughter with her grandmother?</p> <p>23 A. No.</p> <p>24 Q. Did you ever authorize the Office of Children and</p> <p>25 Youth to snoop through your personal correspondence with</p> | <p style="text-align: right;">Page 85</p> <p>1 Q. After [M.] was born.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And what did you see [P.W.] do?</p> <p>4 A. I saw her grab my daughter by the arm and lift her</p> <p>5 up real -- real fast and roughly and yell at her in her face</p> <p>6 and make her cry.</p> <p>7 Q. And your daughter started crying?</p> <p>8 A. Yes.</p> <p>9 Q. And did your daughter ever appear to be scared of</p> <p>10 Miss [W.]?</p> <p>11 A. Yes.</p> <p>12 Q. Before that incident or after?</p> <p>13 A. Before. Always.</p> <p>14 Q. She was always scared of Miss [W.]?</p> <p>15 A. Even the foster mother told me that.</p> <p>16 Q. Do you know if anybody else ever witnessed [P.W.]</p> <p>17 inappropriately handling one of your children?</p> <p>18 A. Lisa Babo from CVS witnessed it also.</p> <p>19 Q. She didn't witness the incident that you</p> <p>20 described, with the yanking of the arm and the shaking and</p> <p>21 yelling. What did Lisa Babo tell you that she saw?</p> <p>22 A. She saw her grab her by the face and shake her.</p> <p>23 Q. Where did Lisa say that happened?</p> <p>24 A. I'm not positive. I'm guessing it was at Lovell</p> <p>25 Place, but I'm not positive.</p> |



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| <p style="text-align: right;">Page 86</p> <p>1 Q. Do you know if Lisa reported that?</p> <p>2 A. I don't know.</p> <p>3 Q. Now, after you saw this incident where Ms. [W.]</p> <p>4 grabbed your daughter by the arm and would shake her, I</p> <p>5 think you said you tried to report that to Miss Deveney?</p> <p>6 A. Yes.</p> <p>7 Q. How did you try to make that report?</p> <p>8 A. I called her several times. I could never get</p> <p>9 through, so eventually I just left a voicemail.</p> <p>10 Q. You didn't leave a voicemail the first time you</p> <p>11 called?</p> <p>12 A. I called her and asked her to please call me back</p> <p>13 several times; that it was important.</p> <p>14 Q. Do you recall about how many times you called?</p> <p>15 A. About three or four times.</p> <p>16 Q. Okay. And then ultimately you did leave a</p> <p>17 voicemail?</p> <p>18 A. Explaining the whole situation.</p> <p>19 Q. Explaining what you had seen?</p> <p>20 A. Yes.</p> <p>21 Q. And did she respond to that?</p> <p>22 A. No.</p> <p>23 Q. All right. You also said you reported it to Pam</p> <p>24 Biroscak?</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 88</p> <p>1 Q. You also said you talked to a Mike Kazmer?</p> <p>2 A. Yes.</p> <p>3 Q. And who is he?</p> <p>4 A. He, I believe, is from the DPW, maybe.</p> <p>5 Q. Okay.</p> <p>6 A. The head of an organization like that.</p> <p>7 Q. Okay. And how did you get to talk to him?</p> <p>8 A. Deanna gave me the contact information.</p> <p>9 Q. And what did Mr. Kazmer say when you told him what</p> <p>10 you had witnessed?</p> <p>11 A. He said that he would -- he was much more friendly</p> <p>12 than the first two and said he would do an investigation</p> <p>13 about it.</p> <p>14 Q. Okay. Did you ever receive anything from the DPW</p> <p>15 saying that an investigation was done with regard to that</p> <p>16 incident?</p> <p>17 A. (No response.)</p> <p>18 Q. A notice letter like you got with the first one?</p> <p>19 A. No. I only got one about the other incident.</p> <p>20 Q. Did Mr. Kazmer ever advise you of the results of</p> <p>21 his investigation?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Do you know if he talked to [P.W.]?</p> <p>24 A. I'm not sure.</p> <p>25 Q. Is that case file that OCY keeps on your case</p>   |
| <p style="text-align: right;">Page 87</p> <p>1 Q. And who is Pam Biroscak?</p> <p>2 A. It is, I believe, Sue Deveney's supervisor.</p> <p>3 Q. How did you make that report to Pam Biroscak?</p> <p>4 A. I called her.</p> <p>5 Q. Did she take your call?</p> <p>6 A. Yes.</p> <p>7 Q. Did you explain to her what you saw?</p> <p>8 A. Yes.</p> <p>9 Q. What did Miss Biroscak tell you?</p> <p>10 A. I don't remember, but she was very rude, and she</p> <p>11 didn't believe me. She said basically it's not like a</p> <p>12 caseworker would do something like that.</p> <p>13 Q. Okay. So she knew that [P.W.] would never roughly</p> <p>14 handle a child?</p> <p>15 A. That's what she -- the impression I got.</p> <p>16 Q. So she dismissed your complaint --</p> <p>17 A. Yes.</p> <p>18 Q. -- because she simply didn't believe you?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know whether she asked [P.W.] about that</p> <p>21 incident?</p> <p>22 A. No.</p> <p>23 Q. Do you know if anybody ever asked [P.W.] about</p> <p>24 that incident?</p> <p>25 A. No.</p>  | <p style="text-align: right;">Page 89</p> <p>1 secret, or are you allowed to see that?</p> <p>2 A. I'm supposed to be allowed to see it, but I</p> <p>3 requested it three months ago and never heard anything back</p> <p>4 yet.</p> <p>5 Q. Okay. Did you ever have a copy of your case file?</p> <p>6 A. Not the entire file.</p> <p>7 Q. Not the entire file. Part of it?</p> <p>8 A. Just court summaries and psychological</p> <p>9 evaluations, bonding assessments, things like that.</p> <p>10 Q. Okay. Now, I think you made a comment that</p> <p>11 Ms. [W.] was not servicing you.</p> <p>12 A. Yes.</p> <p>13 Q. What do you mean by that?</p> <p>14 A. When Deanna left my case, I got [P.W.] as a new</p> <p>15 caseworker, but it took, I believe, maybe six weeks for her</p> <p>16 to contact me, and I didn't see my kids --</p> <p>17 Q. So you were without any contact with a caseworker</p> <p>18 for about six weeks.</p> <p>19 A. Yeah. Other than I was -- talked to Deanna a few</p> <p>20 times in that period. But she wasn't my caseworker anymore.</p> <p>21 Q. Okay. And was Deanna trying to help you with your</p> <p>22 case?</p> <p>23 A. Yes.</p> <p>24 Q. Answering the questions that you would have asked</p> <p>25 her had she still been your caseworker.</p> |

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| <p style="text-align: right;">Page 90</p> <p>1 A. Yes.</p> <p>2 Q. Okay. How many times did Ms. [W.] visit you?</p> <p>3 A. Twice.</p> <p>4 Q. Twice?</p> <p>5 A. (Witness nods head.)</p> <p>6 Q. And when did she start? In January or February?</p> <p>7 A. February, I believe.</p> <p>8 Q. Okay. And between February and -- when did she</p> <p>9 stop being your caseworker?</p> <p>10 A. I don't remember.</p> <p>11 Q. Okay. So she came and visited you at home twice.</p> <p>12 A. Yes.</p> <p>13 Q. And on how many occasions did she visit -- did she</p> <p>14 observe you visiting with your children?</p> <p>15 A. Twice also.</p> <p>16 Q. Okay. Did she stay for the entire visit?</p> <p>17 A. No. She never did.</p> <p>18 Q. How long would she stay when she visited you in</p> <p>19 your home?</p> <p>20 A. In my home?</p> <p>21 Q. Yeah.</p> <p>22 A. I think once was like a half an hour, once was</p> <p>23 like 20 minutes, maybe.</p> <p>24 Q. Was there a schedule that was set by the Court for</p> <p>25 you to receive services from the Office of Children and</p>   | <p style="text-align: right;">Page 92</p> <p>1 Q. Okay. So was that the first time you had heard</p> <p>2 about that?</p> <p>3 A. Yes.</p> <p>4 Q. So Abby hadn't told you that before Lisa did?</p> <p>5 A. No. Lisa was the first one to tell me that.</p> <p>6 Q. Did you ever discuss that incident with Abby after</p> <p>7 that?</p> <p>8 A. I think so.</p> <p>9 Q. But just so we're clear, the first time you heard</p> <p>10 of an incident of [P.W.] roughly handling your child was</p> <p>11 from Lisa Kopycinski.</p> <p>12 A. Yes.</p> <p>13 MR. McNAIR: That's all I have.</p> <p>14 MR. JOYAL: Ms. [W.], I want to do some follow-up.</p> <p>15</p> <p>16 REDIRECT EXAMINATION</p> <p>17 BY MR. JOYAL:</p> <p>18</p> <p>19 Q. Do you know, other than the meeting that you were</p> <p>20 present at between Amy Jones, yourself, and Abby Conley, do</p> <p>21 you know whether there were any other meetings between Amy</p> <p>22 Jones and Abby Conley that you weren't present at?</p> <p>23 A. I don't believe so.</p> <p>24 Q. Okay. During the course of the meeting that you</p> <p>25 had, that you said took about 45 minutes, did Abby Conley</p>             |
| <p style="text-align: right;">Page 91</p> <p>1 Youth?</p> <p>2 A. I'm not sure.</p> <p>3 Q. Okay. Do you recall whether or not there was ever</p> <p>4 a hearing where the Judge indicated that she wanted more</p> <p>5 attention paid to your case?</p> <p>6 A. Yes.</p> <p>7 Q. And who was that Judge?</p> <p>8 A. I believe it was Elizabeth Kelly.</p> <p>9 Q. And when was that hearing?</p> <p>10 A. That, I'm not sure. It was around the time of the</p> <p>11 birth of [M.].</p> <p>12 Q. Okay. And when Deanna was your caseworker, how</p> <p>13 often would she come to your house?</p> <p>14 A. I think once a week.</p> <p>15 Q. Okay. And how often would she observe you with</p> <p>16 your children?</p> <p>17 A. Once a month.</p> <p>18 (Discussion held off the record.)</p> <p>19 Q. Did Lisa Kopycinski ever tell you about any</p> <p>20 incident involving [P.W.] and your daughter [D.]?</p> <p>21 A. No. Oh. Yes, actually, she did. She told me</p> <p>22 about Abby; the one Abby witnessed.</p> <p>23 Q. Okay. She told you about the incident that Abby</p> <p>24 witnessed and reported.</p> <p>25 A. Yes.</p> | <p style="text-align: right;">Page 93</p> <p>1 divulge in response to any questions from Ms. Jones the</p> <p>2 content of any meetings that had been held that she told you</p> <p>3 about, that are set forth in the letter, the meetings</p> <p>4 between Sue Deveney and [P.W.] and whoever about your case?</p> <p>5 A. I don't remember.</p> <p>6 Q. You don't remember that.</p> <p>7 A. Hum-um.</p> <p>8 Q. You don't like [P.W.]; is that right?</p> <p>9 A. Hum-um.</p> <p>10 Q. And you have never liked [P.W.]; is that right?</p> <p>11 A. No.</p> <p>12 Q. Right? You called her a "fucking bitch" in one of</p> <p>13 the letters, didn't you?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Lisa Kopycinski?</p> <p>16 A. She is from Project First Step.</p> <p>17 Q. Project First Step. Now, you say that Lisa</p> <p>18 Kopycinski told you that she saw the incident that Abby</p> <p>19 Conley reported about [P.W.].</p> <p>20 A. No. She didn't tell me she saw it.</p> <p>21 Q. Oh. What did she tell you?</p> <p>22 A. She told me that there was an incident.</p> <p>23 Q. And how did she know about it if she didn't see</p> <p>24 it?</p> <p>25 A. I don't know.</p> |

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| <p style="text-align: right;">Page 94</p> <p>1 Q. You don't know. Would it have come from the only<br/>2 witness to it, Miss Conley?</p> <p>3 A. It seems likely, but I don't know for sure.</p> <p>4 Q. Most likely. Now, tell me about Lisa -- what is<br/>5 her name? Babel?</p> <p>6 A. Babo.</p> <p>7 Q. Babo. Who does Lisa work for?</p> <p>8 A. CVS, through Family Ties.</p> <p>9 Q. I'm sorry?</p> <p>10 A. CVS, through Family Ties.</p> <p>11 Q. What kind of an organization is CVS?</p> <p>12 A. They supervise visits.</p> <p>13 Q. They are sort of social worker types?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know under the law that such a person would<br/>16 be a mandated reporter to report evidence, incidents of<br/>17 child abuse?</p> <p>18 A. No, I didn't know.</p> <p>19 Q. You didn't. Well, I'm going to tell you that it<br/>20 would be. And that there was no report made by Lisa Babo<br/>21 pursuant to statute, under statutory requirement, to anyone<br/>22 concerning any incident involving [P.W.].</p> <p>23 With that information, would that change your<br/>24 recollection as to whether Lisa Babo ever told you about<br/>25 such an incident?</p> | <p style="text-align: right;">Page 96</p> <p>1 Q. Happened after the incident.</p> <p>2 MR. McNAIR: After what incident?</p> <p>3 Q. Happened after the birth of your child.</p> <p>4 A. Yes.</p> <p>5 Q. Happened after you had been told by Abby Conley<br/>6 about the plans that OCY had for your case, right?</p> <p>7 A. She never told me about the plans.</p> <p>8 Q. Well, she did. You said she told you in one of<br/>9 the letters we talked about, about the meetings that were<br/>10 being held.</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. After she had told you all this stuff about<br/>13 what OCY had planned on doing, this is when the incident<br/>14 that you say that you were the only person that saw<br/>15 happened.</p> <p>16 A. Yes.</p> <p>17 Q. This was after you had written the letters to [R.]<br/>18 talking about what you would have done to [P.W.] if you had<br/>19 been there on the date that she allegedly grabbed [D.] by<br/>20 the face.</p> <p>21 A. Yes.</p> <p>22 Q. Right?</p> <p>23 A. Yes.</p> <p>24 Q. You didn't like her at all.</p> <p>25 A. No.</p>   |
| <p style="text-align: right;">Page 95</p> <p>1 A. No, she definitely told me about an incident.</p> <p>2 Q. Do you know Lisa Babo denied ever having given any<br/>3 type of information like that to anyone; denied that such an<br/>4 incident took place?</p> <p>5 MR. McNAIR: Objection. Foundation.</p> <p>6 Q. Did anybody ever tell you that there's a note in<br/>7 OCY files stating that she denied ever seeing such an<br/>8 incident?</p> <p>9 A. No.</p> <p>10 Q. Has Mr. McNair or Mr. Angelone or Miss Conley ever<br/>11 told you that they spoke to Lisa Babo, and Lisa Babo said<br/>12 that she had seen the incident?</p> <p>13 A. No.</p> <p>14 Q. Okay. All of this stuff that happened that you<br/>15 say you saw with [P.W.] occurred after the birth of your<br/>16 child; is that right?</p> <p>17 A. (No response.)</p> <p>18 Q. Correct?</p> <p>19 MR. McNAIR: All of what stuff are you talking<br/>20 about?</p> <p>21 Q. This alleged incident where you saw her grab your<br/>22 daughter by the arm.</p> <p>23 A. Yes.</p> <p>24 Q. That was only witnessed by you.</p> <p>25 A. Yes.</p>   | <p style="text-align: right;">Page 97</p> <p>1 Q. Deanna Cosby didn't like her, did she?</p> <p>2 A. I don't think so.</p> <p>3 Q. Okay. And Abby Conley didn't like her.</p> <p>4 A. Didn't seem like it.</p> <p>5 Q. Right. And these are all people -- and they were<br/>6 doing things and got you involved in them to try to do<br/>7 anything to help you get your kids back; is that right?</p> <p>8 MR. McNAIR: Objection.</p> <p>9 A. I guess -- can you be more clear?</p> <p>10 Q. Well, were all these things being done to try to<br/>11 help you get your kids back?</p> <p>12 A. All what things being done?</p> <p>13 Q. The conversations, the information being given to<br/>14 you about [P.W.].</p> <p>15 A. I guess so, yes.</p> <p>16 Q. You guess so. This had nothing -- [P.W.] -- and<br/>17 by the way -- strike that. Let me ask this question: You<br/>18 said that this incident occurred after [M.]'s birth. Do you<br/>19 know when it was that [P.W.] was asked to be taken off of<br/>20 your case and not to supervise any visits?</p> <p>21 MR. McNAIR: Objection. Foundation.</p> <p>22 Q. Do you?</p> <p>23 A. No.</p> <p>24 MR. McNAIR: There's no foundation that [P.W.]<br/>25 asked to be taken off the case.</p> |

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| <p style="text-align: right;">Page 98</p> <p>1 MR. JOYAL: Well, I think that if you remember her<br/>2 deposition, I think it was a mutual agreement that<br/>3 neither one of them work together, and that that<br/>4 happened.</p> <p>5 BY MR. JOYAL:</p> <p>6 Q. She was taken off your case. Do you know whether<br/>7 that happened before the birth of your child or after?</p> <p>8 A. After.</p> <p>9 Q. Okay. You said that Deanna Cosby gave you Mike<br/>10 Kazmer's information.</p> <p>11 A. Yes.</p> <p>12 Q. How to contact him. Did you approach her to ask<br/>13 that question, or did you call -- well, let me break it down<br/>14 this way: Before she gave you that information, did she<br/>15 call you to ask you about this alleged incident after [M.]'s<br/>16 birth?</p> <p>17 A. No. I called her and told her.</p> <p>18 Q. You called her and told her about it?</p> <p>19 A. Yes.</p> <p>20 Q. And you still can't tell me what the date of this<br/>21 was supposedly, right?</p> <p>22 A. No.</p> <p>23 Q. Do you remember after [M.] was born, being in the<br/>24 Erie County Courthouse during some dependency hearing or<br/>25 some status conference where -- well, strike that. Let me</p>                                    | <p style="text-align: right;">Page 100</p> <p>1 Q. Well, we're talking about the three of them.</p> <p>2 A. I mean, I never knew of [C.] and Abby having a<br/>3 conversation.</p> <p>4 Q. Okay. How about [C.] having a conversation with<br/>5 the worker on the case? Who was the worker that was<br/>6 assigned to the case after [P.W.]?</p> <p>7 A. Michelle Schetter.</p> <p>8 Q. Do you have any recollection of any conversations<br/>9 between Michelle Schetter and [C.B.] concerning --</p> <p>10 A. No.</p> <p>11 Q. Did Abby Conley ever tell you that she had<br/>12 contacted Deanna Cosby to ask her to help you?</p> <p>13 A. No.</p> <p>14 Q. Did Deanna Cosby ever tell you that Abby Conley<br/>15 had contacted her and asked her to help you?</p> <p>16 A. No.</p> <p>17 Q. Okay. Now, you say that T-Mobile was your cell<br/>18 phone provider?</p> <p>19 A. I believe so.</p> <p>20 Q. And that your conversations by telephone, as far<br/>21 as you know today, would have been via cell phone.</p> <p>22 A. I'm pretty sure. If I didn't have a house phone<br/>23 at the time.</p> <p>24 Q. And if you did have a house phone, who is the<br/>25 provider for your service? Verizon?</p> |
| <p style="text-align: right;">Page 99</p> <p>1 ask the question this way: Did Abby Conley ever tell you<br/>2 that [C.B.] had some concerns about your interaction with<br/>3 your newborn at a visit?</p> <p>4 MR. McNAIR: Object to the relevance.</p> <p>5 A. No.</p> <p>6 Q. No?</p> <p>7 A. No.</p> <p>8 Q. Do you remember, did anyone ever tell you that the<br/>9 paternal grandmother of [M.] had some concerns about the way<br/>10 that you were interacting with her during a visit?</p> <p>11 A. Yes. My attorney did after a while.</p> <p>12 Q. Your attorney did. And do you know whether or not<br/>13 your attorney told you about that?</p> <p>14 A. Yes.</p> <p>15 Q. And did you change that behavior the next time you<br/>16 visited with your child?</p> <p>17 A. No. My impression was that she wanted custody of<br/>18 the child, so she made those up.</p> <p>19 Q. Oh, okay. You have no -- as you sit here today,<br/>20 your testimony is that at no time did Abby Conley give you<br/>21 any information concerning a conversation that was held<br/>22 between the social worker, [C.B.], and Abby Conley about<br/>23 your interaction with [M.].</p> <p>24 A. No. I never knew of the two of them having a<br/>25 conversation.</p> | <p style="text-align: right;">Page 101</p> <p>1 A. I believe so.</p> <p>2 Q. Okay. So that they should have records of your<br/>3 telephone conversations in May, June, July, and August,<br/>4 right?</p> <p>5 A. Yeah.</p> <p>6 Q. And the numbers. When Deanna Cosby called you in<br/>7 June to tell you about the detention order, the one that you<br/>8 talked about in your letter to [R.] on June 5th, did you<br/>9 expect that telephone call from her?</p> <p>10 A. No.</p> <p>11 Q. And did you ask her how she knew about the order?</p> <p>12 A. I believe so.</p> <p>13 MR. McNAIR: We covered this. For crying out<br/>14 loud.</p> <p>15 Q. Did she tell you that Abby Conley gave her the<br/>16 information about the order?</p> <p>17 MR. McNAIR: I'm moving to terminate this<br/>18 deposition.</p> <p>19 MR. JOYAL: You can move to leave. You're not<br/>20 terminating my --</p> <p>21 MR. McNAIR: I'm going to call the Judge.</p> <p>22 MR. JOYAL: You're not terminating my --</p> <p>23 MR. McNAIR: I'm going to call the Judge because<br/>24 I've had it. I've had it with you.</p> <p>25 Q. Okay. You can answer my question.</p>   |



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| <p style="text-align: right;">Page 102</p> <p>1 MR. McNAIR: You're wasting everybody's time.</p> <p>2 Q. You can answer my question.</p> <p>3 A. She told me, based on who my caseworker was, she</p> <p>4 had already moved to termination, rather than reunification.</p> <p>5 Q. Did she tell you that Abby Conley had told her</p> <p>6 that there was an order outstanding?</p> <p>7 A. No.</p> <p>8 MR. JOYAL: I have no other questions.</p> <p>9 MR. LANZILLO: I have just a couple. Are you</p> <p>10 okay? Do you have a minute? I have about one or</p> <p>11 two more questions. Are you okay for about four</p> <p>12 minutes?</p> <p>13 THE WITNESS: Yeah.</p> <p>14</p> <p>15 RE CROSS-EXAMINATION</p> <p>16 BY MR. LANZILLO:</p> <p>17</p> <p>18 Q. You testified in response to Attorney McNair's</p> <p>19 questions that you witnessed [P.W.] grab your child and</p> <p>20 treat her roughly. Is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. All right. And I want to make sure I understand</p> <p>23 the timing of that. Approximately when did that occur?</p> <p>24 A. I think not even two or three weeks after [M.] was</p> <p>25 born, which was July 6th.</p>            | <p style="text-align: right;">Page 104</p> <p>1 Q. You understood, of course, because you had said in</p> <p>2 the letter earlier that you were happy that Abby Conley had</p> <p>3 actually filed the complaint, so you knew Abby was the</p> <p>4 complainant, right?</p> <p>5 A. Yes.</p> <p>6 Q. All right. And then you later found out that DPW</p> <p>7 had found Miss Conley's complaint to be unfounded.</p> <p>8 A. (Witness nods head.)</p> <p>9 Q. It seems logical to me -- and I don't want to put</p> <p>10 words in your mouth -- that that is something that you two</p> <p>11 would talk about in later conversation. Didn't you talk</p> <p>12 about that with Ms. Conley?</p> <p>13 A. I think later on, yes.</p> <p>14 Q. And when you say "later on", it would have been</p> <p>15 soon after the finding that the complaint was unfounded,</p> <p>16 wasn't it? Didn't that come up in -- the next time you</p> <p>17 encountered Miss Conley; the DPW had found her complaint to</p> <p>18 be unfounded?</p> <p>19 A. I'm not sure.</p> <p>20 Q. But you did talk about it at some point with</p> <p>21 Ms. Conley?</p> <p>22 A. At some point, yeah.</p> <p>23 Q. And what did Ms. Conley say about that?</p> <p>24 A. I don't remember. I remember what Lisa Kopycinski</p> <p>25 said, but I don't remember what Abby said.</p> |
| <p style="text-align: right;">Page 103</p> <p>1 Q. Okay. So sometime in July of 2004 is your best</p> <p>2 recollection.</p> <p>3 A. Yes.</p> <p>4 Q. Did you record that anywhere? Did you write</p> <p>5 anything down to memorialize that?</p> <p>6 A. I don't believe so.</p> <p>7 Q. All right. Let me ask you about something else</p> <p>8 here, and then I think we'll be done. Perhaps some others</p> <p>9 will have a couple more questions. You recall, do you not,</p> <p>10 that DPW investigated the complaint that was made concerning</p> <p>11 Ms. [W.] allegedly grabbing [D.] by the face?</p> <p>12 A. Yes.</p> <p>13 Q. All right. You're aware of that?</p> <p>14 A. Yes.</p> <p>15 Q. All right. Were you aware of the DPW's finding</p> <p>16 regarding that complaint?</p> <p>17 A. That it was unfound.</p> <p>18 Q. Unfounded?</p> <p>19 A. Yes.</p> <p>20 Q. And how did you first learn that it was unfounded?</p> <p>21 A. I got it back in a letter.</p> <p>22 Q. Okay. And did you discuss that with Abby Conley</p> <p>23 after you received the letter?</p> <p>24 A. I'm not sure. The only one I remember discussing</p> <p>25 that with was Lisa Kopycinski.</p> | <p style="text-align: right;">Page 105</p> <p>1 Q. Ms. Conley was upset about that finding, wasn't</p> <p>2 she?</p> <p>3 A. Yeah. I think I told her about how Lisa told me</p> <p>4 how it came to be unfounded, and I think I told Abby how it</p> <p>5 came to be unfounded.</p> <p>6 Q. Did Abby tell you that the DPW investigator, when</p> <p>7 she interviewed her at the conclusion of the proceeding,</p> <p>8 told Abby that the complaint would be -- had been determined</p> <p>9 to be unfounded?</p> <p>10 A. No.</p> <p>11 Q. She didn't tell you that?</p> <p>12 A. No. My only impression was they investigated my</p> <p>13 daughter. They investigated -- or they interrogated [D.].</p> <p>14 Q. Did Abby tell you that -- well, who told you that</p> <p>15 they interrogated your daughter?</p> <p>16 A. Lisa Kopycinski.</p> <p>17 Q. Do you know if Lisa was there?</p> <p>18 A. I don't know. I don't think so.</p> <p>19 Q. So what is your understanding as to how Lisa came</p> <p>20 to believe that your daughter was interrogated by the DPW</p> <p>21 investigator? Is that from Abby?</p> <p>22 A. I have no idea who it was from.</p> <p>23 Q. Did Lisa indicate that she ever talked to anyone</p> <p>24 else other than Abby regarding the investigation of Abby's</p> <p>25 complaint?</p>                          |



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|---|---|
| <p style="text-align: right;">Page 106</p> <p>1 A. I don't remember who Lisa said she talked to.</p> <p>2 Q. Did Abby tell you that they spoke with her?</p> <p>3 A. Hum-um.</p> <p>4 Q. Did Abby tell you anything about what the</p> <p>5 investigator concluded as far as her credibility and her</p> <p>6 believability?</p> <p>7 MR. McNAIR: Objection.</p> <p>8 A. No.</p> <p>9 Q. She didn't tell you anything about that?</p> <p>10 A. I don't -- not that I remember.</p> <p>11 Q. But I think it was Lisa Kopycinski who first told</p> <p>12 you that the DPW investigator had found Ms. Conley's</p> <p>13 complaint about [P.W.] to be unfounded.</p> <p>14 A. No. The first thing I got was a letter that said</p> <p>15 it was unfounded.</p> <p>16 Q. Okay. But other than that letter, you think that</p> <p>17 the first person to talk to you verbally about this was</p> <p>18 Miss Kopycinski, as opposed to Miss Conley. Is that what</p> <p>19 you're telling me?</p> <p>20 A. I think so, but I'm not positive.</p> <p>21 Q. Okay.</p> <p>22 A. Probably, because I talked to Lisa almost every</p> <p>23 day.</p> <p>24 Q. And Lisa did not identify how she would have come</p> <p>25 to know the results of that confidential information.</p> | <p style="text-align: right;">Page 108</p> <p>1 because I want to make sure I understand this.</p> <p>2</p> <p>3 FURTHER REDIRECT EXAMINATION</p> <p>4 BY MR. JOYAL:</p> <p>5</p> <p>6 Q. Did Lisa Kopycinski ever tell you that she had</p> <p>7 spoken to DPW or been interviewed by DPW concerning Abby</p> <p>8 Conley's complaint?</p> <p>9 A. No.</p> <p>10 Q. And you don't have a recollection as to how Lisa</p> <p>11 told you that she even knew about the finding and the</p> <p>12 complaint; is that right?</p> <p>13 MR. McNAIR: Asked and answered.</p> <p>14 A. Oh, Lisa Kopycinski?</p> <p>15 Q. Yeah.</p> <p>16 A. I'm sorry. I thought you meant Lisa Babo.</p> <p>17 Q. Lisa Kopycinski.</p> <p>18 A. What was the first question?</p> <p>19 Q. Did Lisa Kopycinski ever tell you that she had</p> <p>20 been interviewed by DPW concerning the complaint?</p> <p>21 A. No.</p> <p>22 Q. And as you sit here today, is it your testimony</p> <p>23 that you don't have a recollection as to Lisa telling you</p> <p>24 even how she knew about the complaint?</p> <p>25 A. No.</p> |
| <p style="text-align: right;">Page 107</p> <p>1 A. No. Not that I recall.</p> <p>2 MR. LANZILLO: That's all I have.</p> <p>3 MR. McNAIR: I just have a couple.</p> <p>4</p> <p>5 RECROSS-EXAMINATION</p> <p>6 BY MR. McNAIR:</p> <p>7</p> <p>8 Q. This incident that Lisa Babo witnessed, was your</p> <p>9 daughter injured?</p> <p>10 A. No. Not -- not to where she would have to go to</p> <p>11 the hospital.</p> <p>12 MR. LANZILLO: Objection to foundation. I'm</p> <p>13 sorry. I spoke over the witness. I just wanted</p> <p>14 to get my foundation objection on the record.</p> <p>15 Q. Did you ever observe your child to be injured</p> <p>16 after the incident where [P.] grabbed her by the arm and --</p> <p>17 or grabbed her by the face? I'm sorry. The one that Lisa</p> <p>18 Babo witnessed.</p> <p>19 MR. LANZILLO: Objection. Lack of foundation.</p> <p>20 A. My kids had bruises on them all the time. I never</p> <p>21 knew exactly where they were from, though.</p> <p>22 Q. Was Abby still on your case after [M.] was born?</p> <p>23 A. I don't think so.</p> <p>24 MR. McNAIR: That's all the questions I have.</p> <p>25 MR. JOYAL: I just have two more, Miss [W.],</p>   | <p style="text-align: right;">Page 109</p> <p>1 Q. Or the finding.</p> <p>2 A. No.</p> <p>3 MR. JOYAL: I have nothing else.</p> <p>4 MS. SCARPITTI: She'll waive signature.</p> <p>5</p> <p>6 (Deposition concluded at 12:17 p.m.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>   |

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|--|--|---|---|---|

6-3-04

Lab

My sweetie. Sorry about tonight.  
I talked to Abby for a while then  
talked to Leslie, I actually didn't  
even get to work on time, I  
didn't get off w/ Leslie till almost  
10:30. Sorry, I hope that what  
you thought was going on. You  
better not get mad with me because  
I shouldn't even have to be  
getting collect calls from you at  
certain times... You should be sitting  
right next to me while I talk to  
these people & always know what's  
going on... Instead, anyway, Abby  
said that Patty & Sue had a meeting  
<sup>about</sup> ~~with~~ me and that she was because  
they're working against me instead  
of for me and that they're going  
out to a fight against me, and  
that Patty will probably be at most  
of my visits from now on, so that  
sucks. Sorry my wife's messy  
but I just wrote a 3 page letter  
to my atty, telling her what Abby, Pat  
& Leslie all said. & I told her  
I wanted to buy a copy of the  
Court transcript.

DEPOSITION  
EXHIBIT

VW #1

Deposition Exhibit

Conley 14

Debi LaGamba, RPR

Wordz R Us

I told Leslie that your drug debt was almost 10 years old & that you paid it so you are not in any danger. Hopefully she believes me, that was her main issue. Oh - here's Beth's schedule Sun - 6/6 - 2pm - 8pm  
Mon 6/7 - 11am - 5pm Tue 6/8 11am - 5pm  
Thurs 6/10 5pm - 10:30pm, that's it & goes until the following Monday, or if I make it that far, I'll give you the new schedule then.

I should probably call my mom. She called me like a week ago & asked me to call her since she wasn't home the baby because she worried about me. She said she would owe some money from her check because she'll probably have to take a cab to St Vincent.

Oh - Leslie said too that she thinks D & J will be sent to Florida, but she doesn't think it'd be long for me to get them back from him, as long as I stayed out of trouble & did everything right, so that's good.

Mr. Mally surprised Chris didn't get sent to jail today. He was the only one out of

like 10 that didn't. Even he  
 got a 12 month sentence  
 but he suspended until he  
 loses his job. Do you know  
 Al Benson? He was already  
 in jail & got a 12 month sentence  
 for non-payment of support.  
 He came in green & handcuffs.  
 You know if I'm getting any type  
 of assistance, you'll have to pay  
 support to them right? Chris owes  
 me \$2000 but he really owes it to  
 Welfre, so I'll never see it.  
 He's gotta pay back everything they  
 ever given me for our kids.  
 I can't wait to have our daughter.  
 I'm getting so antsy. I know it'll  
 be soon, but so do had. Very pregnant,  
 & I want to be able to tan, swim,  
 exercise etc... & wear my normal  
 clothes. Plus in Arizona I see  
 what CCY does about her.

Dops... 120 tomorrow & time to go to  
 work, the next news coming. There  
 there's no real end to this letter  
 I'll talk to you tonight Love you  
 Victor

for Dad I was last summer, I was  
never like that before. My kids were  
just taken about a month before we  
met. I don't want to get back into  
it - I become an alcoholic pretty easily.

I don't know why... neither of my  
parents drink. I'll have too much time  
on my hands... Its nice to be able to  
work alot but I'm getting bored w/  
sitting up in this bitch all day every  
day, but sitting here alone alot worse.

Its boring and depressing... There's  
nothing to do time alone. I hate to  
plus all of the pictures of you & the  
kids depress me. I'm doing good  
money-wise but what's the point?

I don't spend any but on bills, I am  
building a nice bank account but it  
just is starting to seem like pointless  
numbers. If I keep up at this rate,  
I'm hoping to have 10-15k go by the  
time I leave. That may seem like  
alot of money, but its not enough for  
anything significant. Its not nearly  
enough to buy a house. All I'll really  
need is about 2k for an apartment.

What's the point of having the rest?

Hopefully I can find a job down there  
making as much as I do here. But  
working less. If that's the case & I



Can you smell it?

can keep looking money + help from  
you, maybe I can buy a house in  
5 or 10 years... I can look into  
land contracts but nothing else seems  
to go right for me

In prison about Oct, I don't know  
what to do, stay or leave & I'm  
really running out of time. I need  
to talk to Amy. I don't know  
why I wrote all of this shit  
because I'll probably be after  
our visit that you get this.

Wle.

hey. I'm in a bad mood, don't  
know why. An old friend of mine  
was a drunk driver & killed a 6  
month old baby, Demi. He's in  
the paper. I went to your moms  
today, she worked 2-2. Today  
was payday. I paid my rent & car  
~~insurance~~, & got an extra bill for  
Julians baby. I got star message,  
so I guess I'll talk to you in the  
Am. Love you  
Victor

DEPOSITION  
EXHIBIT

V.W. #2

Deposition Exhibit

Conley 15

Debi LaGamba, RPR

Wordz R Us

Rob

6-5-04

Hey. Deane... I wish I would have  
told you to call me in the AM one  
of these days but I didn't know...

The reason Deane called me is  
to warn me that they're gonna detain  
Mackenzie, and they're trying to put her  
in a foster home rather than with  
your mom. She actually suggested I  
leave town and have the baby, but  
if I miss a visit w/ my kids, Patty  
will use that as abandonment, so I  
wouldn't even know where to go, or  
how to find it. I went to talk w/  
Amy Dad & ask her if she confident  
enough to get her returned to me, or  
if I should leave town & what my  
consequences would be. I'm not supposed  
to know that, Deane told me, so I  
can't say who told me. I told your  
mom & she said just stay here &  
continue my fight, but I really don't  
want my baby in foster care. Deane said  
that newborns are harder to get  
back because the foster parents often  
fight to keep them. Well, Deane  
said that they're doing me wrong &  
that she wants to be at my next hearing  
& testify for me. She said she'll be in  
Erie in July & August, and anyway

She can help me she will. I wish you were out here, I wouldn't even have to go through any of this shit I swear I can't take much more of this shit - They're gonna make me fucking crazy. I've been having some pretty crazy thoughts too, violent ones. They're gonna make me lose my mind.

Deanne also gave me the # for "Western Region" at the top of the old chain, & the name of the guy to complain to, so I'll try to call her Monday. There's just so much shit now... like it's such a long story I don't even feel like going through it all.

Oh yeah - Deanne gave me her address in Charlotte. She wanted to see all of my court papers, so this morning I went to Kates & copied everything, then faxed them to her house. I'll get them Monday morning, I'll call her Tuesday night, after our visit, & see what she says. She said she wanted to read everything & tell me what she thought they were going to do or trying to do.

I wish I could have a fucking drink. I don't even want to get back into it, but I know that's what's gonna happen if I have no kids. You see

Can you smell it?

can keep looking money + help from  
you, maybe I can buy a house in  
5 or 10 years... I can look over  
land contracts but nothing else seems  
to go right for me

Am pissed about Oct, I don't know  
what to do, stay or leave & am  
really seeing a lot of time I need  
to talk to Amy. I don't know  
why I wrote all of this shit  
because I'll probably be after  
our visit that you get this.

Love.

hey. I'm in a bad mood, don't  
know why. An old friend of mine  
was a drunk driver & killed a 6  
month old baby, Demi. He's in  
the paper. I went to your news  
today, then worked 2-2. Today  
was payday. I paid my rent & car  
~~insurance~~, and got an extra bill for  
Julian's baby. I got star message,  
so I guess I'll talk to you in the  
Am. Love you  
Victor

In Dec I was last summer, I was  
 never like that before. My kids were  
 just taken about a month before we  
 met. I don't want to get back into  
 it - I become an alcoholic pretty easily.  
 I don't know why... neither of my  
 parents drink. I'll have too much time  
 on my hands... Its nice to be able to  
 work alot but I'm getting bored w/  
 sitting up in this bitch all day every  
 day, but sitting home alone alot worse.  
 Its boring and depressing... There's  
 nothing to do time alone. I hate to  
 plus all of the pictures of you & the  
 kids depress me. I'm doing good  
 money-wise but where's the point?  
 I don't spend any but on bills, I am  
 building a nice bank account but it  
 just is starting to seem like pointless  
 numbers. If I keep up at this rate,  
 in hoping to have 10-15g by the  
 time I leave. That may seem like  
 alot of money, but its not enough for  
 anything significant. Its not nearly  
 enough to buy a house. All I'll really  
 need is about 2g for an apartment.  
 Whats the point of having the rest?  
 Hopefully I can find a job down there  
 making as much as I do here but  
 working less. If that's the case & I



Re:

6-14

Time to run for tonight! I'm  
glad I got a lot of sleep on 2nd. If I  
get her at court at 7, I'll have to get  
up at like 7:30. Did I tell you about  
how my dad shattered my dreams yesterday?

He said the salary for a paralegal  
is 26,000/year. I don't think that's  
enough for me to be happy with. That's about  
1/2 what I make now, and I feel like  
I don't make enough now. Well my goal  
was always to make 100k in a week, and  
I was going to go. That means  
that this has been my best week in  
years and I'm now pregnant. If

I get 1 more customer, I'll get it.

I just wrote my lawyer a 2 page  
letter. I told her all the updates.

I gave Deb this schedule:

Wed- 3<sup>rd</sup>, Thur 15<sup>th</sup> & 3<sup>rd</sup>, Fri 15<sup>th</sup> & 3<sup>rd</sup>,  
Sat- any, Sun 15<sup>th</sup>. She said she  
would probably be free then. I'll have to  
give it to her now too.

If the baby is delivered, I'll just  
continue working 50 hours/week. I guess  
that would be the silver lining on  
my grey clouds, a very dull silver  
lining... and not for my other  
gray cloud.

DEPOSITION  
EXHIBIT

V.W. #3

Deposition Exhibit  
Conley 16  
Debi LaGamba, RPR  
Wordz R Us

I'm still pissed about Patty getting  
 Distinis free. There are still the  
 all children services about but you  
 cant when it is children services  
 its fucked up. Me & my crew  
 may be staying here over this summer.  
 I'm going to tell Chris what she did &  
 if he doesn't do something about it  
 I'll tell him he's a bitch & a pussy.

Hey, I came up w/ a good idea -  
 you know what I'd love to do? -

Steal Patty's case and (Abby) from  
 her & have her be my baby sister.  
 If I had all I need, I could  
 pay her about \$50/ wk, that's  
 probably more than she makes, &  
 maybe more than Patty makes. ~~Let's~~  
 let her for her to make more than Patty.  
 She will give us kids to, my kids  
 like her & she likes working for us.  
 What do you think? Its just a thought  
 she doesn't have to do anything  
 today. Hey, the symbol said "OK"  
 did you see that? It was there  
 as day. I got the 9th beat  
 soon. I'll talk to you tomorrow night  
 & you

B. V. K.

622

Rob.

You looked nice tonight, you were so sweet too. They better not shut my fucking phone off after I just paid 350 on it this week. At least I'm caught up now, that's a lot of stress of my back.

I feel so much better too. Those pills are little miracles, I can't believe a little pill could be so effective. I was sick as hell Friday until this morning. I've had a pretty low half of the week at work too - thanks God Pios. I'm only at 665 for the week. I guess it's not too bad, I still got 2 days left, but I doubt I'll end up over 800.

The good thing is that I paid all of my bills for June. I just paid gas & electric today. I have 500 in bills due the 1st week of July, and you know one baby's coming soon, so I'll have to budget a little.

I'm going to try to find time tomorrow to go the bank & talk to someone.

They better give me my fucking interest. That 1% would add up nicely. Hey, I can't get audited at whatever I want, by not being on payroll?

DEPOSITION  
EXHIBIT

V. W. #4

Deposition Exhibit  
Conley 17  
Debi LaGamba, RPR  
Wordz R Us

Ok - make that 735 for the week...  
 sorry. I'll stop pining. Look - at least  
 I'm not fucking w/ anyone. Wouldn't that  
 bother you more? You never see the  
 pictures, Mr. Negativity. & that's  
 a period w/ for self eden, its under  
 the pine - sorry - that was dumb.

Hey. sometimes when I'm sleeping,  
 I wake up real quick short of  
 breath, or my heart will pound like  
 once, really hard & I'll jump in  
 my sleep & notatly wake up. What  
 that for? You don't think I'll  
 die or something, do you?

\* Sorry my job stresses you out  
 but I'm addicted to money &  
 have expensive taste. I think its  
 the way my parents raised me &  
 its probably too late to change. This  
 is also the first time ever I've  
 lived alone & paid 100% of rent &  
 bills & for being I was pregnant,  
 I'm pretty proud of myself.

And you, my love, have costed  
 me an awful lot of money since  
 we've been together, so I'm  
 hoping you'll pay it back while you're  
 locked up. You better, cuz I'm  
 still mad.



I wrote my lawyer a letter to,  
 I'll drop it off tomorrow. I  
 really like Abby, she's nice. She  
 said she was happy I saw Betty  
 gras Dustin too so she was the  
 only witness. I told her in luck  
 I didn't see that shot or I'd  
 be incarcerated for assault. I'm  
 really glad Abby filed a complaint.  
 After this is all over with, I'm  
 going to get something nice for Abby,  
 Deanne & Lisa. I'll have to think  
 of something appropriate, like gift  
 certificates or something. Something  
 nice though, like \$100 value each, at  
 least. They all deserve it.  
 I can't wait for my next hearing. I  
 hope it will go real well and Deanne  
 Abby & Lisa be there for testimony.  
 OK sweetie - it's 4 am - time  
 to go home, I'm gonna actually  
 go to Grant Eagle & get lunch  
 for the kids tomorrow. I'm  
 sending Dix's newborn picture &  
 10 week picture. Send them  
 back ok? Oh. I'll send the  
 9 month one too. I'll talk to  
 you tomorrow. I love you  
 Vicki

Ros

7-15

Oops - sorry your pictures will be a day late... I was going to send them out this morning but it was tied... I slept until 10:15. I'll send you a money order on Sun - you know we been sitting up in here alot, my checks at over 500, & I still got 4 1/2 hours left. I showed Lee Motherzie's pictures. He said she's beautiful. He said she looks like you. I can't wait to go to court, I'm nervous that it won't go well, but I'm also anxious, & I'll have alot going for me. Abby said I have "a nice sized army" - She called me yesterday. Tra was here yesterday, Kirsty told her when I was having the baby. I guess she told Kurt Williams to tell you congratulations on your baby girl. I sent letters out today to Dr Stale & my atty. I don't think they will get away w/ terminating my rights. I'm just nervous about it, but they couldn't even get aggravated circumstances

**DEPOSITION  
EXHIBIT**

V.W. #5

**Deposition Exhibit**  
Conley 18  
Debi LaGamba, RPR  
Wordz R Us

on Chris. I can wait to talk to  
Ed Palcetta either.

I got your message, I'm glad  
Michelle will see you Tuesday. Your  
mom will probably have to take her.  
I'm glad these people are really helping  
me, they certainly don't have to do it  
but they are. Abby, Donna & Lisa,  
especially Abby, who putting her job  
on the line. After all this is over I'll  
~~have to do something nice for the 3~~  
of them. Even Lisa from CBS, when we  
had that group meeting & Patty was being  
so negative, she looked shocked at the  
way she was acting, but after everyone  
left it was just me & her, she  
had me sign a release of information  
for my lawyer. I think my lawyer  
wants to subpoena her too. I hope Patty &  
Sam go down for all of this bullshit. Full  
with me, I'll take a "maternity leave"  
until the kids come home - wait. They  
can't get me for any support while I'm  
on maternity leave. I'm entitled to  
a year if I want, especially while

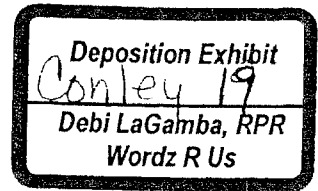
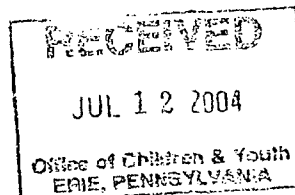
In breastfeeding. I'll breastfeed for a  
 while if I have to. How can  
 I breast or anything like that if I  
 get the pump every 3 hours. I know  
 they're gonna see that I got my  
 supposed adjusted from 100 to 350,  
 now it's stopped. I really hope the  
 judge sees that there's something wrong  
 with this picture. I'm so glad that  
 I was able to hire a lawyer, or I'd  
 be fucked. Mary called me today, she  
 said that the judge is going to get tired  
 of all of these different people coming &  
 testifying against Oct. I hope Mollenbauer  
 comes home on the 12th. I'd like to  
 have her while she's still a little grumpy,  
 ya know? But's baby is 10 weeks old &  
 she is a big already. They grow so  
 fast. Well gotta go... Talk to you soon  
 love you

Liana



DEPOSITION  
EXHIBIT

V. W. #6



9 July 04

Ms. Deveney,

I am writing this letter to you with some questions that I have regarding my daughter, Makkenzie, and her being detained.

Vicki was informed by you that she would be allowed to see our daughter on a daily basis. However, Patti has reduced those visits to Mondays, Wednesdays, and Fridays. Why was she able to do that if you, her supervisor, stated Vicki is allowed to see Makkenzie daily?

I would like you to know that I will be unable to have Makkenzie visit me here at the jail until the Commonwealth issues her birth certificate. The jail's policy is that they need proof that she is my child, as they would for any person who is confined here. In the meantime, I intend to write letters, draw pictures, send cards, and send photos to Mrs. Wojniak to give to Makkenzie. I have also informed Patti of my intention to do this in a letter dated July 9, 2004.

Ms. Deveney, I am very upset with how my daughter's detention was handled. Patti informed Vicki that she would call Vicki when our daughter was with my cousin. However, Patti did not call Vicki until the following day. For over 12 hours we had absolutely no knowledge of where Makkenzie was. Patti did not

have the common courtesy to call Vicki and let her know that our daughter was safe and where she was supposed to be. I hope this is not a reflection of the professionalism of OCY as a whole.

I have obtained legal counsel and all correspondence that I send to Patti and to you will be copied and sent to my attorney as well as copied for my own records. Any correspondence sent to me by you, Patti, or OCY will likewise be copied and filed accordingly.

I was also informed that Patti was investigated for grabbing, shaking, and yelling at Destini. Though your agency stated these allegations could not be proven, given her personal history and other incidents I have been made aware of, I trust you and your agency will do all that you can to ensure that Patti is not a threat to Makkenzie in anyway. I would like another person to be present with Patti at anytime that she is alone with my daughter. I will pursue all legal avenues against her, you, and OCY if Makkenzie is harmed in anyway, while in Patti's care, or if I suspect she has been harmed in anyway. Given what happened to her child, I am very confused as to how she is allowed to hold the position that she has now.

Ms. Deveney, I was also informed that Mak-Kenzie was seen by a visiting nurse. I have informed Patti by letter and voicemail that I want to be notified each and every time that Makkenzie is seen by a doctor or receives any medical attention. I also want to know the nature of each visit and what, if anything, is done to Makkenzie at each visit.

At this time, I would like to thank you for making my letter. Thank you.

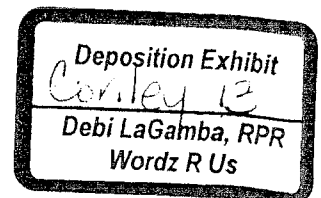
Sincerely,

Robert M. Beer

Rob

5-21

I hope you're feeling a little better today. I wish our conversation yesterday would have been a little better but we were both in low spirits, but we had ~~rights to be~~ in a little worried too. My lawyer could not be discouraged but no lawyer said then done. She seemed fairly confident so I hope she can help me. There is a good point I'm going to bring up to her ... No one really had much negative to say about my ability to care for Destini. If I could get Destini returned to my custody, my dad, my take Julian and Mathew. I'll ask my atty about that. Another point is that in the court summaries, Patsy is the only one who said all negative things. Abby was kind of neutral, and Lisa (from 1st step) & Sue (the visiting nurse) were positive. Dr Van Korfio was more negative than positive, but he suggested I just need some therapy and classes, not that I was hopeless like Patsy's impression gave. I went through all of the court summaries and highlighted everything that was a lie or that I disagreed with. Here, I'm going to write you some of the exact words from these court ~~summaries~~ summaries...





Dr. Van Klee's bonding assessment

- "Concerns in this case centered upon Victoria's ability to fully understand how her actions have affected her children"
- I used drawing to "dominate the start of the session" - he generally considers it an ill-chosen activity that reflects an attempt to artificially bridge the gap in contact with the children
- Julian was allowed to roam about the program more or less unattended
- Victoria was attentive to Julian in the sense that she watched after his safety.
- The examiner's remarks focused on the apparent improvement in Victoria's relationship with Julian.
- The children's removal aggravated the situation (my bond with Julian)
- (1) present as an emotionally flat, inexperienced and poorly attuned mother of two
- At the point in time, the relationship (with Julian) is in some difficulty. (1) had scant involvement with Julian prior to his placement
- The situation is quite a bit better for Destiny, who had a better start with mother and who is currently in the midst of her verbal explosion. This is an ideal child-partner for an emotionally stiff, physically aloof, and hyper-verbal mother. Destiny's exuberance is sufficiently high and self-sustaining that (my) sedate and unexpressive manner does not pose an obstacle for her.

- The examiner is not clear whether (1) would be able to satisfy admission requirements. (1) certainly believes that (1) could.
- The interpretation of Failure to Thrive leads (one) to argue that (my) children - like (one) - are simply on the small end of the scale. "In fact, Victoria who is small and, even in her second trimester, quite thin - claimed to be even smaller than Destiny during her own infancy."
- The doctor reportedly did not say anything negative about (my) food diary (for Destiny).
- Despite a reported history of having been deceived, threatened and abused (?) (1) maintained more than the minimal degree of involvement with Mr. Basham.
- (1) denied any residual hostility toward Chris. (1) was prepared to see his behavior as a function of his immaturity at the time. (1) seemed unconcerned about his potential for future violence.
- (Dr. VonKorff) proposed that (1) might have taken a more strict line with respect to his contacts with the children.
- (my) subsequent intimate relationships show (one) gravitating toward conduct disordered and emotionally troubled young men.
- MMPI-2 indicates noteworthy characterological problems. test results suggest a

over-controlled, and highly anxious. They depict ~~subject~~ a person who is an uninhibited and verbally facile individual who is willful and reluctant to admit errors; an individual who tends to be perceived by others as unfriendly, aloof, or uninvolved.

- Results suggesting significant problems with anxiety and physical symptoms were denied. (my) interest in the test results was tepid at best. (my) manner remained opaque...

(His) attention is most drawn to 2. Seemingly interrelated sets of findings. The first is a tendency toward pronounced self-confidence and single mindedness. The second is emotional constrictions. For (me), purpose and drive appear to take shape within a particularly insulated system, one in which emotional experience is narrow and attenuated. Lack of emotional investment lends itself to an exaggerated sense of self-occurrence, enabling relative calm through times of crisis. Endurance of this type is offset by a lack of empathy and a failure to appreciate emotional nuance. It is very hard to reach or influence this type of individual.

- (1) presented as an emotionally remote young woman who accommodated to the demands of the evaluation. (my) manner, though obliging, was strongly mechanical. In the kindest of terms, (1) must be described as

- (my) relationship with Julian will probably improve when he arrives at Destiny's age and has own period of intense verbal activity. It would be well to work with (me) in the meantime to improve the foundation of the relationship.

### Abby's Court Summary

- (I) appear to be happy when (I) see my children, (I) often smile, hug and kiss Destiny & Julian when they arrive or depart from visits.
- (I) brought both children an Easter gift & candy at the April visit; (I) have also brought snacks for the children to eat during visits.
- There have been numerous times that Julian will walk off and get into things while (I) am oblivious of his location or predicament.
- During the visit that occurred on 5/12, there was a significant difference in (my) conduct and parenting performance. (I) was appropriate, followed both children's cues throughout the entire duration of the visit. (I) also intervened several times in regards to the safety of (my) children, i.e. asking children to sit in the chair vs. standing in the chair. The concern of appropriate parenting in this visit compared to the 8 prior supervised visits was notable.



- (1) need some improvement on (my) parenting skills
- (1) should be encouraged to divide (my) time evenly between the 2 children during visits.
- (1) am without emotion and say very little to children on this aide during visits

Sue Carlino NCAST assessment  
(visiting nurse)

- As per this assessment (1) am able to read and respond to John's needs without difficulty.
- there are no areas that (1) am grossly deficient in.
- My scores were not more than 1 standard deviation from the mean

Dr. Van Kaff's Psychological Eval.

- It was noted that (ma) if not the appeared "unsuitable" at the time of referral. Mr Boston had been incarcerated<sup>(?)</sup>, and I appeared to have no clear means for maintaining housing<sup>(?)</sup>
- (1) am a petite young woman who presented as an emotionally flat and detached manner. (1) had a sterile quality that gave the immediate impression of either an uncommonly remote or calculating individual. .... (my) tone was deadpan and strangely casual.
- (my) long range goals appeared loosely concerned and possibly unrealistic. They include attending a particular law school in Ft Myers

- (Abby) need to intervene to ensure his safety
- (i) have no foresight to potential risk factors and lack parental insight and parenting skills and the ability to interact at their levels. Even with pointers and suggestions (i) seem unable to parent both of these children at the same time.
- On the May 5<sup>th</sup> visit (i) kept asking "Whos birthday is tomorrow?" to Destiny. (i) brought no gift, no cake, or birthday card for her.
- (i) did bring Jello cups, breakfast bars, & cartoons for their snack. The visit was from 1030-1245. No lunch was provided by (m) for (m) children.
- These visits do not seem mutually beneficial for all involved.
- (i) are to attend the Womens Care Center parenting course. (i) have not begun this as of this date, nor have i completed it.
- (i) kept stating that (i) was leaving for Florida, to go to school, and leaving (m) children here. (i) then stated that (i) was staying here. (i) fluctuate between staying and leaving. I have an unrealistic view of the situation that caused (m) children to be placed and take no responsibility for their placement.

- Recently the referral (Family Tree) was made as (I) agreed to stay in Eve & wait to see if they are returned to (me) or sent to (my) father, prior to relocating to Florida. (I) expect to start school in Florida in the Fall, but (I) have not yet applied to the school.
- ~~the~~ (Patty) has attempted to clarify matters this case due to (my) pregnancy and (four) involvement in bank robbery, however (I) am very closed and guarded with (Patty) this worker.
- (D & J) would not be safe if returned to (me) or (Chris). (Chris) hasn't been ~~seen since the~~ last hearing. (I) am not attuned to (my) children's needs and supervision.
- (my) bond with Julian is poor. (I) tend to ignore him and his actions.
- (I) do not seem able to care for these children consistently.
- (I) minimize the criminal involvement of (my) mother both (Chris) and (four) were involved in robberies.
- (I) reportedly stole (I) on leaving for Florida with or without my children.
- (I) have difficulty engaging and relating to (my) children; Julian more so than Destini.
- (I) need to learn how to parent and to interact with my children prior to caring for any children.

matter-of-fact, no-nonsense, as to the-point. However, such descriptors fail to address the self-limiting nature of her emotional rigidity.

- (my) remoteness reflects significant characterological problems that greatly affect (my) relationships. (I) have difficulty engaging and relating to ~~the~~ (my) children, Julian more than Destiny. (I) lack attunement to the children's developmental capacities and limitations, so (my) ability to play and nurture is compromised.
- the present testing suggests that these limitations are closely related to (my) personality difficulties. In addition to being emotionally truncated, (I) have a hardened, impenetrable quality. (I) am difficult to influence. (I) use minimization, rationalization and denial as major defensive maneuvers. (I) have a hard time recognizing problems that are fairly evident to others. (my) tone was shockingly dismissive when (I) discussed such issues as Mr. Bookin's threatening, violent and criminal behavior.
- Offering recommendations to (my) is problematic. (I) am a willing and determined parent who nevertheless fails to recognize one major problem. Intensive parent-child training is a necessity in this case, as is ongoing individual therapy to address (my)

problems with attachment. (1) am apt to be inwardly resistant and outwardly compliant with referrals of this nature. It is the task of the professionals receiving these referrals to help (me) find ways to ally (myself) with the treatment tasks at hand. (My) motivation to regain custody is strong, and offers a starting point.

- Individual therapy need not be completed prior to a return of the children. The duration of such work is hard to predict, and should be considered an ongoing effort.
- In (his) opinion, the correct attitude is one of respect for (me), but lack of respect for the dysfunctional patterns of parenting.

#### Patty's Court Summary

- a finding of aggravated circumstances was not made with regard to (me)
- Mr. Bee's mother has contacted the Agency requesting permission to care for her new granddaughter, once born, in the event that this agency plans to detain her.
- (Her) observations of the visitations are that Julian needs guidance by his mother.
- Julian is totally unsupervised by his mother.



I haven't got a copy of the court summary yet from Project first step, but Lisa told me it was very positive.

Patty is a fucking bitch. I can't believe some of the shit she put in my court summary. I will see Amy on Monday, I hope she has enough time to go over everything. I probably made over 50 rules with a highlighter & pen. [Patty got alot of nerve to talk about my supervision. Where was her supervision when her 10 year old hung himself?]

Fucking bitch. I don't even know if I can ever talk to her on a COLA Court anymore. At 5:30 AM Sat. morning I can't sleep in prison, I'm waiting for about 6:00 so I can call my dad. I've been gone all day & he left me 2 messages, so did my mom & Mary.

I'm going to see if my lawyer can maybe get one kid returned to me as a state. What do you think? I'll probably just get my hopes up like always. Well I'm starting to get tired so I'll

get this over. I love you & hopefully I'll talk to you Monday night.

♥ Vicki